

**CALIFORNIA COASTAL COMMISSION**

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Staff: MS-LB  
Staff Report: May 28, 2003  
Hearing Date: June 11, 2003  
Commission Action:

**W 9 f****STAFF REPORT: APPEAL / DENOVO**

**LOCAL GOVERNMENT:** City of Rancho Palos Verdes

**LOCAL DECISION:** Approval with Conditions

**APPEAL NUMBER:** A-5-RPV-02-324

**APPLICANT:** Destination Development Corp.

**AGENTS:** Michael Mohler, David Bartlett, Timi Hallem, Luce Forward, Susan Hori, Christine Iger, Nancy Lucast, Dan Weinstein and Julio Ramirez

**PROJECT LOCATION:** 6610 Palos Verdes Drive South, City of Rancho Palos Verdes, Los Angeles County

**PROJECT DESCRIPTION:** Construction of a 582 room resort: (400 hotel rooms, 50 three-keyed "casitas", and 32 "villas",) golf practice facility, club house, conference center, 4 restaurants, related commercial uses, public trails; 100 public parking spaces, open space and 784,550 cubic yards of grading on a 102.1 acre site. The proposed project includes Tentative Parcel Map No. 26073, which creates four parcels.

**SUMMARY OF STAFF RECOMMENDATION:**

Staff recommends **APPROVAL** of the proposed development with special conditions to limit bluff face development, assure public access to proposed trails, assure that the golf facility and restaurants are open to the general public, require details of the applicant's proposed plans to restore habitat for the endangered El Segundo blue butterfly and assure consistency with the certified LCP. Bluff face grading will only be permitted in order to develop trails and install drainage devices. Staff recommends approval of construction of a public viewing deck on a bench on the bluff face graded by the previous owner, but recommends against extending this pad to accommodate a pool and snack bar and against grading to create practice golf holes on the bluff face. However, staff is recommending approval of grading switchbacks on the bluff face to accommodate an ADA compliant public access trail to the pad/deck in the middle of the bluff provided that the beach access ramp

that extends from the ADA compliant trail to the beach is also ADA accessible all the way to beach level. Staff is recommending that the Commission approve the proposed trails through the site, but establish specific dimensions for the trails and require that the applicant offer easements over the trails for public access thereto and maintenance thereof and easements over other open space for maintenance thereof. In order to assure slope stability, and in part because stability calculations for the site are based on an assumption that the sediments of the site will not be saturated, staff is recommending that the applicant limit irrigation throughout the site, limiting irrigated turf to golf areas, and use only low water use plants for landscaping over the rest of the site. The applicant is proposing to preserve coastal bluff scrub habitat on the westerly bluff face, to enhance habitat on a thirty-foot wide “buffer” strip on the bluff top adjacent to the preservation area, and to plant coastal sage scrub on a 50-foot wide strip adjacent to the buffer, on a strip along Palos Verdes Drive South and on the face of the eastern bluff. Staff is recommending that the project so modified be accepted, with a condition that requires a detailed enhancement/restoration plan and that also requires that no invasive plants be used anywhere on the site. As conditioned, the project is consistent with the public access and recreation policies of the Coastal Act and with the policies of the certified Local Coastal Program adopted to improve public access, protect natural habitat, protect public views and encourage visitor-serving facilities. The motion to carry out the staff recommendation is on **Page 3 and 4**.

#### **SUBSTANTIVE FILE DOCUMENTS:**

1. Local Coastal Development Permit (CDP) No. 166.
2. City of Rancho Palos Verdes Certified Local Coastal Program.
3. Destination Development Corporation – Geotechnical Consultation, Law/Crandall Project 70131-2-0076.0002.
4. Long Point Resort Hotel City Council Project Resolution No. 2002-71 and 2002-70 dated August 28, 2002.
5. Jurisdictional Delineation for Long Point, City of Rancho Palos Verdes, Los Angeles County, California, Glenn Lukos Associates, May 30, 2001 (Revised January 14, 2003).
6. Modified Project Description (A-5-RPV-02-324), Destination Development Corp., March 25, 2003.
7. City of Rancho Palos Verdes response letter regarding revetment/rock slope, March 24, 2003.
8. Standard Urban Storm Water Mitigation Program (SUSMP), The Keith Companies, May 15, 2003.
9. Master Drainage and Hydrology Report, The Keith Companies, March 24, 2003.
10. Site Grading Plan (Scale: 1”-100’) including a Detail of Lower Pool Area and SUSMP Site Plan, The Keith Companies, March 17, 2003.
11. Long Point Marine Resources Report, Coastal Resources Management, March 24, 2003.

12. Geotechnical response to information request from the California Coastal Commission, Matec (formerly Law/Crandall), March 28, 2003.
13. Integrated Pest Management Program, James Connolly Consulting, Ltd., March 28, 2003.
14. Biological Resources Update for the Coastal Bluffs of the Resort Hotel Area Long Point Project Site, A-5-RPV-02-324, Bon Terra Consulting, March 27, 2003.
15. Conceptual Planting Plan and Zone Legend (Sheet LP-1) and Planting Legend and Notes (Sheet LP-2), Burton Associates, March 27, 2003.
16. City of Rancho Palos Verdes Guidelines for Disability Accessibility
17. Exotic Pest Plants of Greatest Ecological Concern in California, The CalEPPC List, October, 1999.
18. Recommended List of Native Plants for Landscaping in the Santa Monica Mountains, California Native Plant Society, February 5, 1996.
19. CNPS Guidelines for Landscaping to Protect Native Vegetation from Genetic Degradation, California Native Plant Society, December 1, 2001.
20. City of Rancho Palos Verdes Natural Communities Conservation Plan (NCCP) Proposal.
21. Long Point Resort Public Benefits Summary, December 24, 2002.
22. Coastal Development Permits A5-RPV-93-005, A5-RPV-91-46 and 5-96-282.
23. Ocean Trails Invasive Plant List, 1997.
24. A Guide to Estimating Irrigation Water Needs of Landscape Plantings in California, WUCOLS III, University of California Cooperative Extension and California Department of Water Resources, <http://www.owue.water.ca.gov/docs>.

## **APPEAL PROCEDURES**

After certification of Local Coastal Programs, the Coastal Act provides for limited appeals to the Coastal Commission of local government actions on coastal development permit applications. Locally issued coastal development permits may be appealed if the development is located within the appealable areas established in Coastal Act Section 30603. These include areas located between the sea and the first public road paralleling the sea or within three hundred feet of the mean high tide line or inland extent of any beach or top of the seaward face of a coastal bluff, or within 100 feet of wetlands. Developments approved by counties may be appealed if they are not designated "principal permitted use" under the certified LCP. Finally, local government action on applications for developments that constitute major public works or major energy facilities may be appealed, whether approved or denied by the city or county [Coastal Act Section 30603(a)]. The development approved in Coastal Permit No. 166 is located in an appealable area because it is located within three hundred feet from the inland extent of the beach and between the first public road and the sea. When the Commission found the appeal of the local permit for this development to raise a substantial issue, the local coastal permit was nullified, and the Commission now acts on the matter de novo. The standard of review for the de novo permit is the access and recreation policies of the Coastal Act and the policies of the certified Local Coastal Program.

## **I. STAFF RECOMMENDATION**

**MOTION:**                *I move that the Commission approve Coastal Development Permit No. A-5-RPV-02-324 pursuant to the staff recommendation.*

### **STAFF RECOMMENDATION OF APPROVAL:**

Staff recommends a **YES** vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

### **RESOLUTION TO APPROVE THE PERMIT:**

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

## **II. STANDARD CONDITIONS**

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date this permit is reported to the Commission. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.

4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

### III. **SPECIAL CONDITIONS**

#### 1. **DETAILED REVISED/FINAL PLANS**

A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the permittee shall submit, for the review and approval of the Executive Director, revised, detailed final plans for all development approved in this permit. The revised plans shall have been approved by the City of Rancho Palos Verdes, and shall conform to the requirements of the special conditions of this permit and indicate the final scale, location and elevation of all development. The plans shall include all development, including grading, staging, signage, structures, open space, parks, drainage facilities, landscaping, trails and trail corridors (including their widths) and roads, and shall be consistent with the following criteria:

- 1) **Bluff face protection.** No development, with the exception of the following and grading necessary for the approved trails and drainage facilities, shall occur seaward of the Coastal Setback Line established in the certified Local Coastal Program (CSL).
  - (a) Revegetation/habitat enhancement consistent with the requirements of Special Conditions 7 and 8 below;
  - (b) Grading necessary for the ADA accessible public trail to the beach and Shoreline Access Ramp 1. Prior to the issuance of the coastal development permit, the City of Rancho Palos Verdes shall certify that both the “ADA Accessible Trail” and the connecting trail, to the beach level, Shoreline Access Ramp 1, comply with California Disability Accessibility Guidelines and/or the California Department of Parks and Recreation “Proposed Guidelines for Developed Outdoor Recreation Areas, Regulatory Negotiation Committee Report”.
  - (c) Construction of a public viewing deck on the existing bluff face pad formerly identified as the location of the Lower Pool;
  - (d) Construction of a public restroom located either: (1) adjacent to the trail head for the ADA accessible access trail and public parking

area, or (2) at the public viewing deck on the pad formerly proposed for the Lower Pool;

- (e) Construction of public trails and bike ways found in the Long Point Resort New Public Trails Plan shown in Exhibit 3;
- (f) Installation of storm water conduits and Outfalls “B” and “C” shown on the S.U.S.M.P. Site Plan dated May 15, 2003;
- (g) Removal of broken storm water drains identified for abandonment in “SUSMP” plan dated May 15, 2003; and
- (h) Installation of the fence delineating areas where no grading is permitted to take place, consistent with Special Condition 5A below.

2) Pursuant to this requirement:

- (a) The applicant shall eliminate the proposed Lower Pool Facility and all golf putting greens that are located seaward of the Coastal Setback Line.
- (b) The applicant shall eliminate the 801 cubic yards of grading on the bluff face proposed to accommodate the Lower Pool Facility.
- (c) The applicant shall eliminate all grading for the hotel patio seaward of the Coastal Setback Line.
- (d) The filter (“Stormfilter Unit 1”) for Drainage “C”, relocated inland of the Coastal Setback Line, shall be designed and built so as not to be visible from the beach or public trails.
- (e) Drainage line “B” shown on the face of the bluff shall be installed by drilling so that no pipes are visible from the beach. Outfall “B” shall be relocated west of the proposed location, as needed, in order to insure that the line can be drilled through competent bedrock material.
- (f) Drainage line “C” shall be installed by trenching to the beach, with vertical shoring used on the side walls to minimize disturbance.
- (g) Beach level dissipaters and outlets shall be constructed using native stone and/or concrete colored to blend in with adjacent rock.

3) Bluff Edge and Coastal Setback Line (CSL). All final grading plans shall delineate the Coastal Setback Line as designated in the certified LCP and the upper edge of the bluff defined consistent with the California Code of Regulations Section 13577(h).

4) Grading plans. Final grading plans shall be at a scale no less than 1:1200 (one inch to 100 feet). The grading plan shall include all trails, roads and final pads and shall conform to Condition 1A above.

5) View Corridors and Height. The plans shall show the pad elevations, building envelopes and elevations of all structures. In order to protect

public automobile and pedestrian views from Palos Verdes Drive South, and pedestrian views from public trails to and along the bluffs and from beaches, the heights and view corridor dimensions shall be consistent with all view corridor and height requirements imposed by the City of Rancho Palos Verdes in its August 28, 2002 action on the Conditional Use Permit No. 215 and Coastal Development Permit No. 166.

- 6) Trails, Parks, and Streets. The plans shall show trails, parks, and streets consistent with specifications in Special Conditions 2A, B and D.

B. The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

## **2. PUBLIC ACCESS AND RECREATION/EASEMENT OFFERS**

**PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall execute and record document(s) in a form and content acceptable to the Executive Director, irrevocably offering to dedicate to a public agency or private association approved by the Executive Director an easement for public access and passive recreation over (i) the approved public trails and trail corridors and park areas generally described by the applicant in Page 5 of the Public Benefits Summary dated December 24, 2002 and the Site Grading Plan dated March 17, 2003 and (ii) the roads and parking lots described in Section C of this condition. The areas to be offered are listed below in Sections A, B and C of this condition and shown on Exhibits 3 and 4. Passive use, includes but is not limited to, picnicking, viewing, sitting and hiking, but does not include organized sports. The easements shall include the right of the accepting agency to enter the easement areas and repair the trails or park.

The recorded document(s) shall include legal descriptions of both the permittee's entire parcel(s) and the easement areas. The recorded document(s) shall also reflect that development in the offered area is restricted as set forth in the Special Conditions of this permit. The offer shall be recorded free of prior liens and encumbrances that the Executive Director determines may affect the interest being conveyed. The offer shall run with the land in favor of the People of the State of California. The offer shall be binding on all successors and assignees, and shall be irrevocable for a period of 21 years, such period running from the date of recording.

### **A. Public Trails:**

- (1) Long Point Bluff Top Trail: A 4-foot wide trail in a 10-foot wide corridor, extending from the northwestern corner of the site, adjacent to the Point Vicente Fishing Access, running parallel to the bluff edge and stopping at the southern tip of the ADA Compliant Trail and at the beginning of the existing shoreline access ramp that continues down to the beach.
- (2) Long Point Bluff Top Trail, Vanderlip Link: An ADA compliant, 6-foot wide trail in a 10-foot wide corridor that continues from the top of the ADA Compliant Trail described below in (5), running seaward of the Eastern Casitas, along the top of the bluff and connecting to the off-site Vanderlip Trail.
- (3) Marineland Trail: A mixed bicycle and pedestrian 10-foot wide trail in a 16-foot wide corridor, extending from the northwestern corner of the site, adjacent to the Point Vicente Fishing Access, running east, parallel and adjacent to Palos Verdes Drive South and terminating at the western edge of the resort's main entrance at the northeastern corner of the site.
- (4) Flowerfield trail: A 4-foot wide trail in a 10-foot wide corridor, extending from the northern end of the Resort Entry Trail, running east to the eastern edge of the property and continuing south and terminating on the southeast corner bluff top and connecting to the off-site Vanderlip Trail that continues down coast. This trail also connects to the Long Point Bluff Top Trail.
- (5) ADA-Compliant Coastal Access For Disabled: An ADA compliant 6-foot wide trail in a 100-foot corridor (area on bluff face identified for grading proposed switchbacks), extends from the resort public parking area, runs seaward, adjacent to the public viewing deck and terminates at the eastern shoreline access ramp, Shoreline Access Ramp 1.
- (6) Resort Entry Trail: A mixed bicycle and pedestrian 10-foot wide trail in a 16-foot wide corridor, extending from Palos Verdes Drive South, running seaward along the eastern edge of the resort entry road, terminating at the hotel.
- (7) Shoreline Access Ramp 1: An ADA compliant, 4-foot wide ADA access way in a 10-foot wide corridor located at the southern tip of the ADA accessible trail described in (5) above and connecting the ADA accessible trail to the beach level at the southeastern corner of the project site.
- (8) Shoreline Access Ramp 2: A two-foot wide access way in a 10-foot wide corridor that provides shoreline access, connecting the Long Point Bluff-Top Trail to the beach at the southern tip of the property.

B. Parks:

- (1) Public Bluff Top Park: 2.2 Acre Park at the bluff edge adjacent to the Point Vicente Fishing Access in the northwestern portion of the site.



- (2) Beach: All areas owned by the applicant located between the beach level property line (mean high tide) and a line drawn approximately at the toe of the bluff.

C. The easement for public access and passive recreation required to be offered pursuant to this Special Condition over the areas listed in sections 2A and 2B shall be subject to the limitation that it not provide for such access or recreation in those areas during the period between one hour after sundown each day and one after before dawn the next day.

D. Public streets and parking areas.

- (1) The revised plans required by Special Condition 1 shall delineate all streets and parking areas of the project, including but not limited to, the following:
  - (a) The 50-car parking lot adjacent to the Point Vicente fishing access.
  - (b) The eastern parking lot in its entirety.
- (2) Streets, Roads and Public Parking Areas shall be provided as described on Tentative Parcel Map 26073, dated May, 2002, and Long Point Parking Study Plan dated July 11, 2002 and shall be for public street purposes including, but not limited to, pedestrian, bicycle and vehicular access.

E. Parking shall be provided as described in the applicant's Parking Study Plan dated July 11, 2002 and the applicant's submittal dated March 25, 2003. All streets and roads shall be open for use by the general public 24 hours per day.

F. Final design and Construction. The applicant shall construct the trails and park consistent with the specifications of this permit and of the City of Rancho Palos Verdes. If the requirements of the City conflict with the requirements of this permit, the conditions of this permit shall prevail.

- (1) Consultation during design of the ADA accessible trail and Shoreline Access Ramp 1. Prior to providing final designs of the ADA accessible trails, the applicant shall consult with the California Department of Parks and Recreation and local mobility and disabled rights advocate groups to assure that the trail will be usable by members of such groups. If there is any disagreement between the permittee and the City of Rancho Palos Verdes concerning the appropriate design of the trail, the Executive Director shall resolve the dispute consistent with the need for public safety, the protection of resources, the provision of maximum access and the feasibility of any alternative.

- (2) Before occupancy of the hotel or restaurant and before opening the three-hole golf facility and driving range for play, the Executive Director shall certify in writing that the trails and park are complete, open and have been accepted by the City of Rancho Palos Verdes or other public or private nonprofit agency that is able to operate the trails consistent with this permit.
- (3) Fencing plan. Prior to issuance of a coastal development permit, the applicant shall prepare a fencing plan consistent with the public access policies of this permit for the review and approval of the Executive Director. With the exception of pool fences, fences shall be open appearing and no more than 42 inches high. Fencing shall be constructed of materials that allow views through them (such as glass panels or wrought iron). Use of fencing shall be minimized and shall be employed only for public safety and to protect habitat areas from disturbance.

G. Development Restrictions:

- (1) Public Trails and Bikeways
  - (a) The permittee shall not interfere with the public's right of access over the public trails or bikeways identified in Special Condition 2A, above, during their hours of operation (from one hour before dawn to one hour after sundown). The permittee may close the bluff edge and bluff face trails and prohibit access to those areas from one hour after sundown to one hour before dawn.
  - (b) No development, as defined in Section 30106 of the Coastal Act, shall occur within the access corridors identified above in Section A of this condition and as described and depicted in an exhibit attached to the Notice of Intent to Issue Permit (NOI) that the Executive Director issues for this permit except for the following development: grading and construction necessary to construct and maintain the trails, bikeways and other development approved by this permit, maintenance of development authorized by this permit that the Executive Director determines does not include significant grading or landform alteration; maintenance of public access and recreation facilities and appurtenances (e.g. signs, interpretive facilities, benches, safety fencing), planting and removal of vegetation consistent with the special conditions of this permit, underground utilities, drainage devices, and erosion control and repair provided that development that diminishes public access through any identified corridor shall be prohibited. This restriction shall apply to the following areas: The lands for public trails and bikeways, as depicted on final plans approved by the Executive Director but generally depicted on Long Point Resort, Public

Benefits Summary, dated December 24, 2002 and Long Point Site Grading Plan, dated March 17, 2003.

(2) Public Park Areas

- (a) The permittee shall not interfere with the public's right of access over the park areas identified in Special Condition 2B, above, during their hours of operation (from one hour before dawn to one hour after sundown).
- (b) No development, as defined in Section 30106 of the Coastal Act, shall occur within the public park areas identified in Section B and as described and depicted in an exhibit attached to the Notice of Intent to Issue Permit (NOI) that the Executive Director issues for this permit except for the following development: grading and construction necessary to construct the trails, public access and recreation facilities and appurtenances (e.g. signs, interpretive facilities, view points, benches, picnic tables, shade structures, safety fencing), vegetation planting and removal, underground utilities, drainage devices, and erosion control and repair provided that development that diminishes public access through any identified corridor shall be prohibited. This restriction shall apply to the following areas: The lands for public park areas, as depicted on final plans approved by the Executive Director but generally depicted on Long Point Resort, Public Benefits Summary, dated December 24, 2002 and Long Point Site Grading Plan, dated March 17, 2003.

(3) Public streets and parking areas

- (a) Long term or permanent physical obstruction of streets, roads and public parking areas in Tentative Parcel Map 26073, dated May 2002 and Parking Study Plan dated July 11, 2002 shall be prohibited. Public entry controls (e.g. gates, gate/guard houses, guards, signage, etc.) and restrictions on use by the general public (e.g. preferential parking districts, guests-only parking periods/permits, etc.) associated with any streets or public parking areas shall be prohibited.

(4) **PRIOR TO ISSUANCE BY THE EXECUTIVE DIRECTOR OF THE NOTICE OF INTENT TO ISSUE A COASTAL DEVELOPMENT PERMIT FOR THIS PERMIT (NOI)**, the applicant shall submit for the review and approval of the Executive Director, and upon such approval, for attachment as an exhibit to the NOI, formal legal descriptions of the portions of the subject property affected by this Section G of this condition, as generally described above and shown on Exhibits 3 and 4 attached to the findings in support of approval of this permit.

H. The permittee shall undertake development in accordance with the approved final plans in Special Condition 2F(3). Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

**3. HABITAT ENHANCEMENT AND PROTECTION/EASEMENT OFFERS**

A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall execute and record document(s) in a form and content acceptable to the Executive Director, irrevocably offering to dedicate to a public agency or private association approved by the Executive Director an easement for habitat restoration/enhancement and protection areas including: all areas listed below in Section A and as identified on in the Long Point Resort Landscape Improvements Plan dated March 26 and 27, 2003 as depicted in Exhibits 6 and 7. The easement shall include the right of the accepting agency to enter the easement area and repair the habitat area if the permittee fails to maintain the restoration/enhancement and protection areas as required in Special Condition 7.

The recorded document(s) shall include legal descriptions of both the permittee's entire parcel(s) and the easement areas. The recorded document(s) shall also reflect that development in the offered area is restricted as set forth in the Special Conditions of this permit. The offer shall be recorded free of prior liens and encumbrances that the Executive Director determines may affect the interest being conveyed. The offer shall run with the land in favor of the People of the State of California. The offer shall be binding on all successors and assignees, and shall be irrevocable for a period of 21 years, such period running from the date of recording.

- (1) Habitat Restoration/Enhancement and Protection Areas: All areas seaward of the Coastal Setback Line (CSL), except for the area identified for the viewing deck, Drainage "B" and "C", and their construction, and the ADA compliant access trail.
- (2) Zone A, preserved naturalized vegetation zone (on the bluff face).
- (3) Zone B, the Coastal Bluff Scrub and Coastal Sage Scrub Zone: An approximately 80-foot wide restoration/buffer area, extending along the bluff top from the Long Point (just north of the "Lookout Bar") to the Point Vicente fishing access, also described as "buffer" and "enhancement" areas.

- (4) Zone C, the Enhanced Native Planting Zone: a strip of coastal sage scrub and “accent trees” adjacent to Palos Verdes Drive South from the Point Vicente fishing access parking lot to the entry road.
- (5) Zone D, area surrounding the ADA compliant trail.

B. Development Restrictions:

- (1) Irrespective of whether the easement is accepted, the permittee and its successors shall maintain the areas described above in Special Condition 3A as habitat.
- (2) All planting within habitat areas shall conform to the requirements of Special Condition 7 addressing the preservation and/or planting of habitat and restoration areas.
- (3) No development, as defined in section 30106 of the Coastal Act shall occur in habitat protection areas as described and depicted in an exhibit attached to the Notice of Intent to Issue Permit (NOI) that the Executive Director issues for this permit except for habitat restoration, fencing and informational signs, approved drainage devices, designated trails and the viewing areas all as approved in this permit and identified in Exhibits 3 and 4.
- (4) **PRIOR TO ISSUANCE BY THE EXECUTIVE DIRECTOR OF THE NOTICE OF INTENT TO ISSUE A COASTAL DEVELOPMENT PERMIT FOR THIS PERMIT (NOI)**, the applicant shall submit for the review and approval of the Executive Director, and upon such approval, for attachment as an Exhibit to the NOI, formal legal descriptions of the portions of the subject property affected by this condition in Section B, as generally described above and shown on Exhibits 6 and 7 attached to the findings in support of approval of this permit.

**4. PARKING MANAGEMENT PLAN**

A. **PRIOR TO THE ISSUANCE OF COASTAL DEVELOPMENT PERMIT**, the applicant shall submit a parking management plan for the review and approval of the Executive Director that ensures the provision of no fewer than 1075 parking spaces on the property subject to this permit as a whole. These parking spaces include no fewer than fifty (50) public parking spaces within the eastern parking area adjacent to the trail head of the ADA compliant trail described in Special Condition 2A(5) and The 50 public spaces in the lot adjacent to the Point Vicente fishing access. Spaces

on the on-site eastern parking lot shall be available from one hour before dawn until one hour after dusk. The plan shall include:

- (1) Signage on site identifying public parking and hours available in the public parking areas;
- (2) A written policy indicating that valets shall not park cars in these areas;
- (3) Signs shall indicate that if public spaces are occupied the public is welcome to park in any unoccupied space.
- (4) All contracts with conferences and weddings and other special events shall require that these programs direct attendees to areas outside of the public parking area.
- (5) Contracts shall provide that weddings, conferences and other events that increase parking demand over the number of spaces provided on site shall provide off-site valet parking or other methods to preserve no less than 50 parking spaces in the eastern parking lot for beach and trail visitors.

B. The permittee will undertake development and continue to operate in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

## **5. MANAGEMENT /MAINTENANCE OF FACILITIES**

### **A. Construction Requirements:**

- (1) Except as specified in Special Condition 1, before the commencement of demolition, construction or grading; a visible hazard fence shall be placed delineating the areas of approved grading, which shall be no less than 20 feet inland of the habitat restoration/enhancement and protection areas and no less than 30 feet inland of the edge of the bluff where there are no habitat restoration/enhancement and protection areas (Exhibits 6 and 7).
- (2) Said fence may be temporarily moved or adjusted to accommodate construction of approved trails or drainage devices, but heavy equipment storage or stockpiling shall not occur in the areas listed above, in Section A(1).
- (3) The applicant shall also place fencing to delineate all areas outside of the area identified for grading for the ADA accessible trail.
- (4) The Executive Director shall confirm in writing that the fencing is consistent with the condition. If the proposed fence is inconsistent with the adopted conditions of the permit, the permittee shall change the design to comply with the conditions, or if the inconsistency is due to a

situation not anticipated in the Commission's action, submit an application to amend the permit.

- (5) No sediment shall be permitted to discharge onto the beach or intertidal area.

B. The permittee shall be responsible for maintaining the park, trails and habitat areas required in this permit and shall reimburse the accepting agency when/if the accepting agency takes over the maintenance of the public trails, park and habitat restoration/enhancement and protection areas. Prior to issuance of or transfer of this permit the permittees shall acknowledge in writing:

- (1) Nothing in this permit shall prevent the owner of land that is covered by this permit and is for sale, as a condition of sale, from requiring each buyer to contribute its fair and reasonable share of the costs of the maintenance of the area to the hotel operator to collect funds and carry out maintenance of the areas pursuant to Special Condition 5F below and to manage and maintain the area and drainage system in accordance with the terms and conditions of this coastal development permit. Nothing in this restriction condition imposes the obligation on the owner of an individually owned unit (a "casita" or "villa") to personally work on the streets, park or habitat areas.
- (2) The applicant and individual owners or lessees shall not install or maintain any invasive plant that is not indigenous to the Palos Verdes peninsula anywhere on the property as required in Special Conditions 7 and 8 of this permit.

C. The permittee and its successors shall ensure that the entire storm water system, including but not limited to pipes, outfalls, stormfilters, trash traps, drainage systems, oil/water separators, Best Management Practices and other programs and devices required to protect habitat in ocean waters and tide pools are maintained, in good and working condition. This obligation includes obligations for regular and ongoing maintenance and cleaning and for replacement of damaged or aging elements of the system. The accepting agency (City of Rancho Palos Verdes) shall maintain all public trails, park, public parking and habitat restoration/enhancement and protection areas as required by this permit when/if the permittee fails to do so.

D. Public and commercial recreation facilities. The resort, including the restaurants, health spa, banquet facilities, clubhouse and golf practice facility will remain as commercial visitor-serving facilities open to the general public, and any proposed change in the level of public use will require an amendment to this permit. The trails and public parking areas as identified in Special Condition 2 shall remain open to the general public with no fee for use. The public shall receive equal priority with hotel

guests for use of all public facilities.

- (1) The permittee is required to maintain no fewer than 100 public parking spaces, consisting of 50 parking spaces adjacent to the Point Vicente Fishing Access and no fewer than 50 parking spaces located in reasonable proximity to the ADA accessible trail for public use of trails, parks and the beach.
  - (a) No fee shall be charged for the public's use of this parking. If hotel and restaurant visitors occupy the "public spaces", other spaces in the same lot shall be identified as public parking available to the public by clear and directional signage.
  - (b) No more than three special events that result in closure of this parking shall occur during any calendar year. Permitted special events shall be available to the general public, but they may charge a fee. No more than one of these events shall occur between the week before Memorial Day and the week after Labor Day. Operators of the event shall provide alternate parking for beach users and shall not interfere with the public's access to the public park, trails along the bluff and from the bluff top to the beach.
- (2) The permittee shall notify all tenants and all future buyers that the ADA compliant trail and other trails and access points will be used by the public to access fishing, surfing, diving and kayak areas, and such activities are frequently undertaken at early hours of the morning.
- (3) CASITA BUILDINGS ADJACENT TO TOP OF SHORELINE ACCESS ADA COMPLIANT TRAIL. The permittee shall install soundproofing such as thermal insulation and double-paned glass on these buildings.
- (4) CLUBS PROHIBITED. No club or other arrangement that will restrict use of the golf course by the general public shall be permitted.
- (5) OPERATIONS. The permittee and its successors in interest shall open these facilities [which facilities?] to the public from one hour prior to dawn to one hour following dusk. No fee or validation shall be required for use of these facilities.
- (6) PUBLIC USE. The restaurants, overnight facilities, health spa, Lookout Bar, banquet facility and golf practice facility shall be open to the general public.
- (7) SIGNS. The designated public parking lots, restrooms and public access trails shall be identified as open to the public by appropriate visible signs



subject to the review and approval of the Executive Director. The signs shall be erected in areas accessible to the public, including trail entrances and the resort entrance.

- (8) **CASITA AND VILLA OCCUPANCY RESTRICTION.** The Executive Director shall accept no amendment authorizing the sale of independent units (“casitas” and “villas”) unless it is proposed that they are to be operated by the hotel as limited occupancy resort condominiums pursuant to a restriction whereby owners shall not occupy their units for more than 29 consecutive days and no more than 60 days per year for the Casita owner and no more than 90 days per year for the villa owner. When not occupied by an owner, each unit will be part of the hotel leasing pool. All units shall be available for rental to the general public when not occupied by the unit owner. No portion of the project may be converted to time-share, full-time occupancy condominium, apartment, or other type of project that differs from the approved limited occupancy project without an approved amendment to this coastal development permit.

E. Other agreements. The applicant shall assure that all covenants and agreements with the City of Rancho Palos Verdes that address the operation of these public facilities, including the parking lots, the golf facility, the clubhouse, banquet room, restrooms and other public facilities, are consistent with this permit. Pursuant to this requirement, any agreements or covenants that delegate maintenance or operation of these public facilities to a third party shall be consistent with all terms and Conditions herein, and shall be provided to the Executive Director for review and approval with evidence of such consistency prior to their execution.

**F. PRIOR TO ISSUANCE OF COASTAL DEVELOPMENT PERMIT A-5-RPV-02-324,** the applicant shall submit a written agreement, subject to the review and approval of the Executive Director, that requires the owner of the property to have the hotel operator physically maintain and keep in good repair all public trails, habitat, recreation facilities and drainage systems. The agreement shall apply to all parcels created by Tentative Parcel Map No. 26073 and to any parcels created by any subsequent division of the land covered by the map including subdivision for condominium purposes. The agreement shall acknowledge all the responsibilities and limitations of this permit.

G. The permittee shall undertake all development and construct and operate all facilities on the property consistent with these restrictions.

## **6. TRAIL REPLACEMENT**

A. By acceptance of this permit, Coastal Development Permit A-5-RPV-02-324, the applicant acknowledges and agrees that if any of the bluff top trails (Long Point Bluff Top Trail, the ADA-Compliant Coastal Access Trail and the trail link between Long Point Bluff Top Trail and the Vanderlip Trail, an offsite trail) fails, and cannot be reasonably repaired within two weeks of damage, the applicant shall submit an amendment application to replace the damaged trail. The applicant shall perform any construction of the trail(s) authorized in any permit amendment approved in response to such proposal. Said replacement trail(s) will be proposed in a safe area between the bluff edge and the structures. In such relocation the applicant shall take all reasonable measures to assure the public safety from golf balls. No cage or “slinky” shall be permitted in lieu of golf facility redesign. Further, the applicant agrees to submit an amendment application within two (2) months of time trail(s) are damaged and complete all replacement trails within one (1) year of time amendment is approved unless an extension is granted for good cause by the Executive Director. The design for such trails shall be accompanied by redesign and relocation, as necessary, of other improvements on the property, including the golf course. The trail redesign or relocation shall provide the same quality of trail and level of access and shall provide access to and from the same areas as the original trail.

## **7. RESTORATION AND ENHANCEMENT OF HABITAT AREAS**

**PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit a restoration and enhancement final plan for protection, enhancement and restoration of habitat areas described in Special Condition 7B. The plan shall be prepared by a licensed landscape architect or restoration specialist in consultation with the project biological consultant for the review and approval of the Executive Director. Prior to submittal of the plan to the Executive Director, the project geotechnical engineering and geologic consultants, the City of Rancho Palos Verdes geotechnical consultant, the Los Angeles County Fire Department and the Resources Agencies shall review the plans to ensure that the plans are in conformance with the project geologist and geotechnical engineer, the City and County consultants and public agencies’ recommendations assuring public safety, the protection of endangered species and the protection of the near shore environment. Within ten (10) days of the Commission’s approval of this project, the applicant shall commence collecting seeds and cuttings from locally native plants found on this and adjacent properties. The habitat restoration/enhancement and protection areas plan shall conform with the following requirements:

A. Preparation/format of plan: The plan shall include, at a minimum, the following components:

- (1) A summary and map, based on the Final Environmental Impact Report (EIR) for the Long Point Resort Project, dated July 31, 2001 and the Addendum to the Certified EIR dated August 21, 2002 showing which species of native plants are found on the site and the topography of the developed site.

- (2) A survey of intact nearby bluff face and bluff top habitats, showing in each instance the degree of coverage, the species mix and the type of soil, the degree of sun exposure and the sources of moisture available for each habitat.
- (3) A list of goals for each of the habitat, enhancement and restoration areas listed in Special Condition No. 3, including but not limited to the needs of the El Segundo blue butterfly, migrating needs of coastal sage scrub species such as the coastal California gnatcatcher, and fire protection. Such goals shall be established in part by the performance of test plots.
- (4) A list of goals for timing and coverage. Timing and coverage shall be based on the expected growth rate of the plants the applicant proposes to use and the typical coverage of nearby sites in the bluff top and bluff face plant communities similar to the area addressed by the proposed plan.
- (5) Plans and measures to slow surface erosion appropriate to the expected growth rate of the plants. Alternative erosion control measures shall be identified and maintained until coverage is adequate to prevent surface erosion.
- (6) A map and separate list consistent with subsection B below, showing the species, size, number of all plant materials proposed to be installed including the common and scientific name of the plant and whether or not the plant is native to the Palos Verdes Peninsula plant community, the area devoted to the plant and the type of installation proposed. The map shall show all other features such as proposed trails and hardscape.
- (7) A map showing proposed temporary irrigation. Temporary, above ground (e.g., "monitored drip") irrigation to allow the establishment of the plantings is allowed, but no permanent irrigation is permitted in habitat areas.
- (8) A schedule for installation of plants;
- (9) A plan for site preparation indicating (1) method of cultivation, (2) soil preservation and (3) any herbicides proposed to be used and methods of application; and
- (10) A maintenance plan.

B. (Unless otherwise specified, the areas below are those identified on the Long Point Resort Landscape Improvement Plans dated March 26 and 27, 2003). Plans for the following areas shall conform with the following criteria:

- (1) All areas seaward of the edge of the bluff including but not limited to Zone A Preserved Naturalized Vegetation Zone (6.7 acres of habitat on the bluff face). The applicant shall identify and if feasible remove aggressive invasive plants listed by the California Exotic Pest Plant Council. In areas disturbed by excavation, the applicant shall replant with plants of the coastal bluff scrub community.
- (2) Zone B, the Coastal Bluff Scrub and Coastal Sage Scrub Zone: 80-foot wide "buffer" and "enhancement" area extending from the edge of the bluff inland and from the northwestern corner of the site, adjacent to the Point Vicente Fishing Access parking lot. 1.2 acres of natural habitat consisting of coastal bluff scrub.

The applicant shall not disturb native vegetation. The applicant shall remove those invasive plants listed on the Ocean Trails list of invasive plants (1997) and on the California Exotic Pest Plant Council list of invasive plants. Plantings shall consist of coastal sage scrub plant species native to Rancho Palos Verdes and suitable to El Segundo blue butterfly. The first 30-foot wide “buffer” area of Zone B, adjacent to the bluff edge shall be fenced to discourage human encroachments. The applicant shall use *Eriogonum parvifolium* and shall not use *Eriogonum fasciculatum*. No “accent trees” are permitted in this area. The applicant shall use only local seeds and cuttings.

- (3) Drainage Line “C”: All surface area disturbed by the installation of Drainage Line “C” shall be revegetated with locally collected seed and cuttings of coastal bluff scrub species native to Rancho Palos Verdes. No *Eriogonum fasciculatum* shall be used.
- (4) Existing drainage channel in southeastern corner of site: Invasive plants as identified on the “Ocean Trails list” shall be removed within 30 feet of the drainage. The applicant shall install riparian species native to Rancho Palos Verdes obtained, as feasible, from local cuttings.
- (5) Eastern Bluff Area: including the area formerly identified as “Naturalized Coastal Grass Planting Zone with Native Accents” on the Long Point Resort Landscape Plan dated March 26 and 27, 2003, shall be restored with coastal bluff scrub (CBS) including *Eriogonum Cinereum*; a 1.5 acre area of adjacent bluff face slopes shall be restored with coastal sage scrub species native to Rancho Palos Verdes and suitable to El Segundo blue butterfly, from local seed and cuttings. No trees, no large areas of grass and no *Eriogonum fasciculatum* shall be employed.
- (6) Zone C Roadside Enhanced Native Planting Zone. Applicant shall install plants adjacent to Palos Verdes Drive South that provide food and cover for wildlife, including gnatcatchers, migration between the nearby offsite habitat areas to the northeast and northwest under consideration for inclusion in the City’s Natural Communities Conservation Plan (NCCP) Program as depicted in Exhibit 24. Species outside of expected shade canopies shall be predominantly coastal sage scrub plants. Tree canopies shall be limited to ten percent of the area. All plant materials shall be native to the Palos Verdes peninsula.

#### C. General Provisions for the Project Site

- (1) Planting will maintain views from Palos Verdes Drive South and to and along the bluffs and shall be consistent with the preservation of public views through the view corridors identified in the certified LCP for the project site.
- (2) Time limits for installation and completion of re-vegetation and enhancement of the bluff face, bluff ADA Compliant Trail and coastal bluff scrub and coastal sage scrub enhancement areas (includes Zones A, B, C and areas expected to be disturbed by grading.): The applicant shall provide a timetable consistent with the following: consistent with the experience of other projects in the area;

for review and approval of the Executive Director; the surveys conducted as a result of the requirements of subsection A above; and with the results of test plots in the identified areas.

- (a) The applicant shall begin securing seeds and cuttings of native CBS materials found on the site and on the Palos Verdes peninsula within ten days of the Commission's action on this permit
  - (b) Before the first rainy season following the issuance of the permit, the applicant shall remove invasives in the habitat restoration/enhancement and protection areas (Zones A, B, C and areas expected to be disturbed by grading).
  - (c) With the exception of areas identified for grading the ADA Compliant Trail and for disturbance for drainage lines, the applicant shall install the plants in the coastal bluff scrub enhancement areas Zones A, B and C within ten days after the second rain in the first rainy season after issuance of the coastal development permit. Installation shall continue until the end of the rainy season.
  - (d) In the case of areas approved for grading, the Drainage line "B" and Zone D, the area disturbed by grading for the ADA compliant trail on the bluff face and in a 1.5 acre area of bluff face adjacent to the trail and its supporting slopes, the applicant shall reserve topsoil and shall install plants at the beginning of the first rainy season after grading is complete. The applicant shall remove invasives and install plants of the coastal bluff scrub and coastal sage scrub communities before grading and install plants after the second rain in the first winter after the completion of grading of the bluff face access facilities.
- (3) All required plantings shall be maintained in good growing condition throughout the life of the project, and whenever necessary, shall be replaced with new plant materials to ensure continued compliance with the habitat enhancement restoration plan. Invasive plants identified above shall be removed.
- (4) Pursuant to this requirement, all landscape personnel shall be provided training, and understandable manuals concerning the plant materials on the site and the requirements of this condition.
- (5) The permittee shall not install or allow to persist plants that are incompatible with habitat restoration and protection of native butterflies that have been identified anywhere on the property. These incompatible plants include:
  - (a) *Eriogonum fasciculatum* (California buckwheat)
  - (b) *Eucalyptus spp.*
  - (c) Invasive plants. Such plants are those identified on the "Ocean Trails Invasive Plant List" a list prepared for a project in Rancho Palos Verdes in consultation with the resources agencies, in the California Native Plant Society publication "California Native Plant Society, Los Angeles -- Santa Monica Mountains Chapter handbook entitled Recommended List of Native Plants for Landscaping in the Santa Monica Mountains, February

5, 1996, and/or those species listed by the California Exotic Plant Pest Council (UC Davis) on any of their watch lists as published in 1999 and as updated periodically.

- (6) The applicant shall use no pesticides. Any herbicides proposed for use and the methods of application shall be identified in initial plans. The Executive Director shall reject any chemicals that may adversely impact off shore habitat or that are persistent or that are listed as inconsistent with habitat or water quality in Special Conditions 7, 9 and 20 below. No insecticides may be used.

D. Monitoring. The applicant will actively monitor the site for three years after permit issuance, remove non-natives in habitat areas identified in Special Condition 7B and reinstall plants that have failed.

- (1) The applicant will inspect the site no less than every 30 days during the first rainy season (November-March), and no less than every 60 days during the first year, every three months thereafter or on a maintenance schedule provided as part of the habitat enhancement/ restoration plan, whichever is more frequent. A written record of such inspection shall be prepared.
- (2) If shown to be necessary by the inspections, the applicant shall remove invasive plants and replace plants that fail to establish.
- (3) On two occasions, three years and again five years from the date of the implementation of the restoration plan, the applicants shall submit for the review and approval of the Executive Director, a habitat area monitoring report, prepared by a licensed Landscape Architect that certifies the on-site habitat restoration is in conformance with the restoration plan approved pursuant to this Special Condition. The monitoring report shall include photographic documentation of plant species and plant coverage.
- (4) If the restoration/enhancement monitoring report indicates the habitat restoration/enhancement and protection areas are not in conformance with or has failed to meet the performance standards specified in the restoration and enhancement plan approved pursuant to this permit, the applicant, or successors in interest, shall submit a revised or supplemental restoration plan for the review and approval of the Executive Director. The revised restoration plan must be prepared by a licensed Landscape Architect and shall specify measures to remediate those portions of the original plan that have failed or are not in conformance with the original approved plan.

E. The permittee shall undertake development in accordance with the approved habitat restoration and enhancement final plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall

occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

**8. LANDSCAPE PLAN FOR GOLF COURSE AND TRANSITIONAL AND ORNAMENTAL PLANTING ZONES**

**PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit a final landscape plan prepared by a licensed landscape architect in consultation with the project biological consultant for the review and approval of the Executive Director. The plan shall apply to the areas identified as Zones D, E, F, G and H on the landscape plan. Prior to submittal of the plan to the Executive Director, the project geotechnical engineering and geologic consultants, the City of Rancho Palos Verdes geotechnical consultant, the Los Angeles County Fire Department and the Resources Agencies shall review the plans to ensure that the plans are in conformance with the project geologist and geotechnical engineer, the City and County consultants and public agencies' recommendations assuring public safety, the protection of endangered species and the protection of the near shore environment. The landscape plan shall conform with the following requirements:

A. Preparation/format of plan: The plan shall include, at a minimum, the following components:

- (1) A map and separate list showing the species, size, number of all plant materials proposed to be installed including the common and scientific name of the plant and whether or not the plant is native to the Palos Verdes Peninsula, the area devoted to the plant and the type of installation proposed. The plan shall show other landscape features such as proposed trails and hardscape.
- (2) A map showing proposed permanent (for golf area only) and temporary irrigation.
- (3) A list of goals for timing and coverage and of measures to slow surface erosion. Timing and coverage shall be based on the expected growth rate of the plants the applicant proposes to use and the typical coverage of the plants that are proposed. Alternative erosion control measures shall be identified and maintained until coverage is adequate to prevent surface erosion.

B. Plans shall conform with the following criteria:

- (1) Hotel/Resort Area Zones D, E, F, G and H (excluding golf area): All plantings shall consist of Palos Verdes natives and/or low and very low water use plants as defined by the University of California Cooperative Extension and the California Department of Water Resources in their joint publication: "*Guide to Estimating Irrigation Water needs of Landscape Plantings in California*". Conventional lawn areas shall be prohibited.

- (2) Golf area. The applicant shall provide evidence that proposed grass species is not invasive.
- (3) Ponds. Applicant shall install no less than 9 feet by 24 feet (area of lost habitat at the northwestern cement v-ditch identified in the Jurisdictional Delineation for Long Point, dated May 30, 2001 (Revised January 14, 2003) of mule fat and riparian species adjacent to pond areas.

C. General Provisions for the Project Site

- (1) Planting will maintain views from Palos Verdes Drive South and to and along the bluffs and shall be consistent with the preservation of public views through the view corridors identified in the certified LCP for the project site.
- (2) With the exception of the golf facility, the applicant shall install no permanent irrigation system on the project site. Temporary, above ground (e.g., “monitor drip”) irrigation to allow the establishment of the plantings is allowed.
- (3) The applicant shall install efficient irrigation systems in the golf areas. A professional golf course irrigation designer licensed in the State of California shall design the irrigation system. The irrigation system shall include, but not be limited to, the following components:
  - (a) The irrigation design will use current technology that maximizes control and efficiency of irrigation water.
  - (b) The irrigation design will use data collected from on-site and local weather stations to determine evapotranspiration and irrigation requirements for turfgrass species used at the site.
  - (c) The sprinkler spacing, nozzle type and design will be such that maximum efficiency is achieved.
  - (d) A golf course irrigation computer program will assist the superintendent in irrigation scheduling, pump efficiency, and record keeping.
- (4) The permittee shall not install or allow to persist plants that are incompatible with restoration and protection of native butterflies that have been identified anywhere on the property. These include:
  - (a) *Eriogonum fasciculatum* (California buckwheat)
  - (b) *Eucalyptus spp.*
  - (c) Invasive plants as defined in Special Condition 7 above.

9. **INTEGRATED PEST MANAGEMENT PLAN**

A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, for review and approval of the Executive Director, a final revised Integrated Pest Management Plan (IPM Plan). The final plan shall demonstrate substantial conformance with the Proposed Long Point Destination Resort Integrated Pest Management Plan, dated March 28, 2003, prepared by James Connolly Consulting, Ltd, (Proposed IPM Plan). Where the “Proposed IPM Plan” is inconsistent with the specific



requirements of this condition, this condition shall prevail. The plan shall also be in substantial conformance with the following requirements:

The IPM Plan shall favor non-chemical strategies over chemical strategies for managing pests on site. Chemical strategies shall only be employed after all other strategies have been used and proven ineffective. This shall be demonstrated by providing written notice to the Executive Director of the non-chemical strategies that were used, the reasons for their ineffectiveness, and the chemical strategies that are being considered. If the IPM is inconsistent with the conditions of this permit, the permit conditions shall prevail.

- (1) This IPM Plan shall be designed and implemented for all of the proposed landscaping/planting on the project site and an analysis of the benefits of the selected landscaping materials on the native wildlife species that may use this vegetation. The measures that the applicant shall employ include but are not limited to the following:
  - (a) Introduction of native natural predators. Native, non-invasive bacteria, viruses and insect parasites shall be considered and employed as a pest management measure, where feasible.
  - (b) Weeding, hoeing and trapping manually.
  - (c) Use of non-toxic, biodegradable, alternative pest control products.
  - (d) No insecticides may be employed anywhere at the site in order to protect the El Segundo Blue butterfly, a federally endangered native species of California, that has been found at the site.
  - (e) In the golf area only, when pesticides and/or herbicides are deemed necessary in conjunction with the IPM program, the following shall apply:
    - (i) All state and local pesticide handling, storage, and application guidelines, such as those regarding timing, amounts, method of application, storage and proper disposal, shall be strictly adhered to.
    - (ii) Pesticides containing one or more of the constituents listed as parameters causing impairment of the receiving waters for the proposed development (the Long Point Destination Resort) on the California Water Resources Control Board's 1998 Clean Water Act Section 303 (d) list, or those appearing on the 2002 list shall not be employed. In addition to those products on the Section 303(d) list, products that shall not be employed include but are not limited to those containing the following constituents:
      - Chem A. (group of pesticides) – aldrin, dieldrin, chlordane, endrin, heptachlor, heptachlor epoxide, hexachlorocyclohexane (including lindane), endosulfan, and toxaphene.
      - DDT.
      - Insecticides.

The list of pesticides and their application methods shall be included in the plans. Pesticides that are not on the list approved by the Executive Director shall not be used.

- (2) Time Limits for Hotel Landscaping. Final landscaping for all areas addressed in this condition shall be completed prior to the occupation of the adjoining hotel/restaurant structures approved by this permit.

B. Monitoring. The applicant will actively monitor the site for five years after permit issuance, remove invasive plants noted above and reinstall plants that have failed.

- (1) Five years from the date of the implementation of the landscaping plan, the applicants shall submit for the review and approval of the Executive Director, a landscape monitoring report, prepared by a licensed Landscape Architect that certifies the on-site landscaping is in conformance with the landscape plan approved pursuant to this Special Condition. The monitoring report shall include photographic documentation of plant species and plant coverage.
- (2) If the landscape monitoring report indicates the landscaping is not in conformance with or has failed to meet the performance standards specified the landscaping plan approved pursuant to this permit, the applicant, or successors in interest, shall submit a revised or supplemental landscape plan for the review and approval of the Executive Director. The revised landscaping plan must be prepared by a licensed Landscape Architect and shall specify measures to remediate those portions of the original plan that have failed or are not in conformance with the original approved plan.

C. The permittee shall undertake development in accordance with the approved final plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

## 10. **SIGNAGE**

**PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall provide a signage plan for the review and approval of the Executive Director. The plan shall provide at a minimum:

A. The project identification sign at Palos Verdes Drive South shall include notice of the public park, the public parking, and the presence of public trails.

- (1) The project identification sign shall be visible and legible from Palos Verdes Drive South.

- (2) The wording “public parking/beach access” shall appear on the sign in a typeface that is equal or larger in size to the words identifying the commercial facilities, such as resort or golf.
- B. Signs identifying public parking areas and trail heads shall be present on the site in sufficient number to direct the public to these facilities.
  - (1) Such signs shall be easily legible and no less than 30 inches by 24 inches and
  - (2) Such signs shall direct the public to available parking and trails.
- C. Interpretive signs/cautionary signs; the permittee may place small low-key interpretive and cautionary signs near habitat areas and near the bluff edge and at the entrance to steep trails.
- D. The permittee shall undertake development in accordance with the approved final plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

## **11. PROJECT LIGHTING**

- A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall provide lighting plans for the review and written approval of the Executive Director. The plans shall provide:
  - (1) Illumination shall be at the lowest levels that will still provide the amount necessary for safety.
  - (2) No lights, with the exception of low intensity path lights, shall spill over into the buffer area.
  - (3) Exterior building lights and path lights shall be directed downward so that direct spillover outside the immediate area of the buildings shall not exceed ten feet.
  - (4) No night work or night construction lighting shall be permitted.
- B. The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

**12. IN-LIEU FEE FOR THE PROVISION OF LOWER COST VISITOR ACCOMMODATIONS**

For purposes of this condition, the acronym “LAC-AYH” means the Los Angeles Council of American Youth Hostels, Inc., and the term “AYH Agreement” refers to the June 26, 2002 agreement between the Coastal Commission and LAC-AYH.

Prior to the issuance of this coastal development permit, but only after the Executive Director of the Coastal Commission has indicated, in writing, that the Commission has entered into an agreement (the “New Agreement”) modeled upon the AYH Agreement, the applicant shall provide, through a financial instrument subject to the review and approval of the Executive Director, a mitigation fee of not less than \$540,000 payable to the public agency or private non-profit association designated, in writing, by the Executive Director (including, but not necessarily limited to, LAC-AYH) to be used generally for the acquisition of land and/or construction of a low-cost visitor serving hostel facility in the urban coastal area of Los Angeles County and specifically in accordance with the terms and conditions of the New Agreement.

**13. CONFORMANCE OF DESIGN AND CONSTRUCTION PLANS TO GEOTECHNICAL REPORT AND REQUIREMENTS OF CITY GEOTECHNICAL REVIEW**

A. All final design and construction plans, including foundations, grading and drainage plans, shall be consistent with all recommendations contained in Geotechnical Review of the Proposed Grading Plan for Destination Development, *Destination Development Corporation – Geotechnical Consultation*, Law/Crandall Project 70131-2-0076.0002, all subsequent, supplemental recommendations identified in the geologic reports listed under Substantive File Documents in the Commission Staff Report dated May 21, 2003, and the specific requirements of the City of Rancho Palos Verdes addressing geologic safety/site stability. **PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the permittee shall submit, for the Executive Director's review and approval, evidence that an appropriate licensed professional has reviewed and approved all final design and construction plans and certified that each of those final plans is consistent with all of the recommendations specified in the above-referenced geologic evaluations approved by the California Coastal Commission for the project site.

B. The applicant shall amend its final plans so that the underlying soils are protected from increased saturation by the following methods:

- (1) Elimination of turf and other high or medium water use landscaping. The permittee shall eliminate the turf grass surface from all areas not approved for golf fairways or golf holes. Instead, to reduce the possibility of percolation into the soils of the project, the applicant shall employ only low

and very low water use landscaping, predominantly native plants indigenous to the Palos Verdes Peninsula, as described and required in the Restoration and Landscape Plan conditions above.

- (2) The applicant shall install separate water meters for pools and for permanent and temporary supply lines for irrigation. Permanent lines are only acceptable in golf turf areas; and on the major supply lines for each group of individual structures. All such lines shall incorporate (i) alarms that sound if there is a significant change in the rate or duration of flow or gross quantity of water in a particular period without a manual override in advance and (ii) automatic cutoff if the duration and rate of flow exceeds that anticipated by more than 100% or by a rate determined by the project geologist to be hazardous.

C. The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

#### **14. ASSUMPTION OF RISK, WAIVER OF LIABILITY AND INDEMNITY**

By acceptance of this permit, the permittee acknowledges and agrees (i) that the site may be subject to hazards from landslide, bluff retreat, erosion, and earth movement; (ii) to assume the risks to the permittee and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.

#### **15. NO FUTURE SEAWARD EXTENSION OF SHORELINE PROTECTIVE DEVICE**

A. By acceptance of this permit, the applicant agrees, on behalf itself and all successors and assigns, that no future repair or maintenance, enhancement, reinforcement, or any other activity affecting the shoreline protective device, installed prior to Feb. 2 1973, as described and depicted on an Exhibit attached to the Notice of Intent to Issue Permit (NOI) that the Executive Director issues for this permit, shall be undertaken if such activity enlarges the footprint of the subject shoreline protective device either seaward or laterally. By acceptance of this permit, the

applicant waives, on behalf of itself and all successors and assigns, any rights to such activity that may exist under Public Resources Code Section 30235.

- (1) Inspection/Repair of Revetment. The applicant shall have an inspection of the existing riprap revetment completed by a licensed geologist or geotechnical engineer. Based on the inspection, the applicant shall be responsible for repositioning any rocks onto the revetment that have migrated onto the beach to assure beach encroachment has been minimized. The inspection and identified/necessary repositioning of stones shall be completed within 30 days of Commission action on this permit.

**B. PRIOR TO THE ISSUANCE BY THE EXECUTIVE DIRECTOR OF THE NOI FOR THIS PERMIT**, the applicant shall submit for the review and approval of the Executive Director, and upon such approval, for attachment as an Exhibit to the NOI, a formal legal description of the shoreline protective device approved by Commission staff report dated May 21, 2003, as generally described above and shown on Exhibit 8c attached to this staff report, showing the footprint of the device and the elevation of the device referenced to NGVD (National Geodetic Vertical Datum).

## **16. SHORELINE PROTECTION MONITORING PLAN**

**A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit a monitoring plan, prepared by a licensed geologist, or civil or geotechnical engineer for the review and written approval of the Executive Director. The plan shall be sufficient to assess the performance of the existing revetment and shall include at a minimum:

- (1) A description of the approved shoreline protection device;
- (2) A discussion of the goals and objectives of the plan, which shall include maintenance of the revetment to assure its optimum designed performance without adversely affecting surrounding development or public access along the coast, public views, or fill of tidelands.
- (3) Provisions for taking measurements of the reconfigured revetment documenting the location of the toe, sides and elevation of the revetment and the alignment of the 8 foot-wide public access path between the existing restaurant and patio areas and the revetment. The plan shall identify exactly where such measurements will be taken, e.g. by reference to benchmarks, survey positions, or points shown on an exhibit, and the frequency with which such measurements will be taken;
- (4) Provisions for submission of “as-built” plans for the repaired revetment and public access path, showing the permitted structures in relation to the existing topography and showing the measurements described in subsection (3) above, within 30 days after completion of construction of

the repairs to the revetment and removal of obstructions in the public access path;

- (5) Provisions for inspection of the condition of the shoreline protection device by a licensed geologist, or civil or geotechnical engineer, including the scope and frequency of such inspections.
- (6) Provisions for submittal to the Executive Director by May 1 of every year for the life of the structure of a monitoring report that has been prepared by a licensed geologist, or civil or geotechnical engineer. Each monitoring report shall contain the following:

- (a) An evaluation of the condition and performance of the approved shoreline protection device, including an assessment of whether any weathering or damage has occurred that could adversely impact future performance of the device,
- (b) All measurements taken in conformance with the approved monitoring plan,
- (c) A description of any migration or movement of rock that has occurred on the site, and
- (d) Recommendations for repair, maintenance, modifications or other work to the device.

B. If a monitoring report contains recommendations for repair, maintenance or other work, the permittee shall contact the Coastal Commission District Office to determine whether such work requires a coastal development permit.

C. The permittee shall undertake development in accordance with the approved final plans. No changes to the approved final plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

## **17. NO FUTURE BLUFF OR SHORELINE PROTECTIVE DEVICE**

- A. By acceptance of this Permit, the applicant agrees, on behalf of itself and all successors and assigns, that no bluff or shoreline protective device(s) shall ever be constructed to protect the development approved pursuant to Coastal Development Permit No. **A-5-RPV-02-324** including, but not limited to, (582 room resort, golf practice facility, club house, conference center, 4 restaurants, related commercial uses, public trails; 100 public parking spaces and open space) in the event that the development is threatened with damage or destruction from waves, erosion, storm conditions, bluff retreat, landslides, or other natural hazards in the future. By acceptance of this Permit, the applicant hereby waives, on behalf of itself and all successors and assigns, any rights to construct such devices that may exist under Public Resources Code Section 30235.

- B. By acceptance of this Permit, the applicant further agrees, on behalf of itself and all successors and assigns, that the landowner shall remove the development authorized by this Permit, including (describe the development, e.g., the house, garage, foundations, and septic system), if any government agency has ordered that the structures are not to be occupied due to any of the hazards identified above. In the event that portions of the development fall to the beach before they are removed, the landowner shall remove all recoverable debris associated with the development from the beach and ocean and lawfully dispose of the material in an approved disposal site. Such removal shall require a coastal development permit.

**18. FUTURE DEVELOPMENT RESTRICTION**

This permit is only for the development described in Coastal Development Permit No. A-5-RPV-02-324. Pursuant to Title 14, California Code of Regulations, sections 13250(b)(6) and 13253(b)(6), the exemptions otherwise provided in Public Resources Code, Sections 30610(a) and 30610(b) shall not apply. Accordingly, any future improvements to the development described in this permit, including but not limited to repair and maintenance identified as requiring a permit in Public Resources Code, Sections 30610(d) and Title 14, California Code of Regulations, Sections 13252(a)-(b), shall require an amendment to Permit No. A-5-RPV-02-324 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government, unless the Executive Director of the Commission determines that no amendment or new permit is required.

**19. EROSION CONTROL DURING CONSTRUCTION**

A. Erosion and siltation control. Prior to the commencement of grading, the applicant shall provide to both the City and the Executive Director, for their joint review and approval, plan notes and general standards for erosion control. On or before September 15th of each year of construction, the applicant shall provide to both the City and the Executive Director for their joint review and approval, interim (time period prior to completion of project) erosion and sediment control plans that will prevent siltation and/or deposition of construction debris onto the beach, tide pools and habitat areas adjacent to the site. All sediment, construction debris, and waste products should be retained on-site until they can be removed to an approved disposal location. The approved plans shall be subject to the following requirements and include the following components:

1. Erosion on the site shall be controlled to avoid adverse impacts to beaches, intertidal and habitat areas. This shall include erosion due to on-site drainage or on-site release of water or off-site water that travels through on-site drainage channels, construction activities, and the existence of roads and graded pads on



the site. The applicant shall take all safe and reasonable measures to control siltation attributable to a landslide or other earth movement.

2. The following temporary erosion control measures shall be used during construction activity: a combination of temporary measures (e.g., geo-fabric blankets, spray tackifiers, silt fences, fiber rolls, sand bags and gravel bags), as appropriate, during each phase of site preparation, grading and project construction, except that straw bales shall not be employed. The applicant shall also provide containment methods to prevent manmade debris and/or chemicals from slope stabilization from entering the intertidal or offshore waters.
3. Following construction and throughout the interim period, erosion on the site shall be controlled to avoid adverse impacts on dedicated trails, public roadways, beaches, tide pools and habitat areas.
4. A copy of the Storm Water Pollution Prevention Plan (SWPPP) and any amendments thereto, prepared for compliance with the State Water Resources Control Board General Construction Activity Permit, which specifies BMPs appropriate for use during each phase of site preparation, grading and project construction, and procedures for their installation, based on soil loss calculations. The submitted calculations will account for factors such as soil conditions, hydrology (drainage flows), topography, slope gradients, vegetation cover, use of chemicals or fixatives, the type of equipment or materials proposed for use near shoreline areas and groundwater elevations.
5. A site plan showing the location of all temporary erosion control measures. Such site plan may acknowledge that minor adjustments in the location of temporary erosion control measures may occur if necessary to protect downstream resources. Such measures shall be noted on project grading plans.
6. A plan to mobilize crews, equipment, and staging areas for BMP installation during each phase of site preparation, grading and project construction, with timing of deployment based on the forecast percentage of rainfall occurrence. The plan shall also address provisions for delivery of erosion prevention/control materials, or access to onsite supplies including unit costs and specifications for adequate storage capabilities.
7. A plan for landscaping, consistent with Special Conditions No. 7, 8 and 9.
8. Limitations on grading activities during the rainy season, from October 15 to April 15 of each year, wherein grading may only occur in increments as determined by the City Engineer so that exposed soils do not exceed what is proposed in the interim erosion control plans. Should grading take place during the rainy season (October 15 - April 15), sediment basins (including debris basins, desilting basins,

or silt traps) shall be required on the project site prior to or concurrent with the initial grading operations, and maintained throughout the development process to control erosion, and to trap and remove manmade debris, coarse sediment and fine particulates from runoff waters leaving the site during construction activity, prior to such runoff being conveyed off site. All areas disturbed, but not completed, during the dry season, including graded pads, shall be stabilized in advance of the rainy season.

B. The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

## **20. WATER QUALITY**

A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, for the review and approval of the Executive Director, a final revised Standard Urban Storm Water Mitigation Program (SUSMP) (i.e., site-specific water quality management plan) for the post-construction project site. The revised WQMP shall be prepared by a licensed water quality professional and shall include project plans, hydrologic calculations, and details of the structural and non-structural Best Management Practices (BMPs) that shall be included in the project.

The final SUSMP shall be reviewed by the consulting engineering geologist to ensure conformance with geotechnical recommendations. The final SUSMP shall demonstrate substantial conformance with the Standard Urban Storm Water Mitigation Program (SUSMP) for Long Point Destination Resort dated May 15, 2003, prepared by The Keith Companies. In addition to the specifications above, the plan shall be in substantial conformance with the following requirements:

### **1. Best Management Practice Specifications**

- a. Site Design, Source Control, and Treatment Control BMPs shall be designed to reduce, to the maximum extent practicable, the volume, velocity and pollutant load of storm water and nuisance flow leaving the developed site.
- b. Runoff shall be conveyed off site in a non-erosive manner.
- c. Energy dissipating measures shall be installed at the terminus of outflow drains, where necessary to prevent erosion.
- d. Following construction, erosion on the site shall be controlled to avoid adverse impacts on dedicated trails, public roadways, beaches, tide pools and habitat areas.

- e. The BMPs shall be selected to address the pollutants of concern for this development, including, but not limited to, sediments, nutrients, pesticides, fertilizers, metals, petroleum hydrocarbons, trash and debris, and organic matter.
- f. Source control BMPs shall be preferred over treatment control BMPs.
- g. Maintain, to the maximum extent practicable, pre-development peak runoff rates and average volume of runoff;
- h. Runoff from all new and redeveloped surfaces (e.g., roads, parking lots, maintenance areas) shall be collected and directed through a system of appropriate structural BMPs.
- i. Post-construction structural BMPs (or suites of BMPs) shall be designed to treat or filter the volume of water resulting from 3/4 of an inch of rainfall in a 24-hour period over the entire tributary drainage area. (The Los Angeles Regional Water Quality Control Board has determined that in the Los Angeles area this is equivalent to the amount of storm water runoff produced by all storms up to and including the 85th percentile, 24-hour storm event for volume-based BMPs, and/or the 85th percentile, 1-hour storm event, with an appropriate safety factor [i.e., 2 or greater], for flow-based BMPs.)
- j. The structural BMPs shall be constructed prior to or concurrent with the construction of infrastructure associated with the development within Tentative Parcel Map No. 26073. Prior to the occupancy of the resort structures approved by this permit, the structural BMPs proposed to service those structures and associated support facilities shall be constructed and fully functional in accordance with the final SUSMP approved by the Executive Director.
- k. All structural and non-structural BMPs shall be maintained in a functional condition throughout the life of the approved development to ensure the water quality special conditions are achieved. Maintenance activity shall be performed according to the specifications in the SUSMP. At a minimum, maintenance shall include the following:
  - (1) All structural BMPs shall be inspected, cleaned and repaired, as needed prior to the onset of the storm season, no later than October 1st of each year; after every major storm event; and at least once during the dry season;
  - (2) Debris and other water pollutants removed from structural BMP(s) during clean-out shall be contained and disposed of in a proper manner.
  - (3) It is the applicant's responsibility to maintain the drainage system and the associated structures and BMPs according to manufacturer's specification and to ensure maximum pollutant removal efficiencies.
  - (4) Wetlands vegetation installed within the wet ponds shall be monitored and maintained in a manner that ensures successful establishment of

the vegetation and ongoing ability of the vegetation to remove pollutants for the life of the development. All such maintenance shall be conducted under the supervision of a qualified wetlands biologist or qualified professional for the life of the development.

- (5) Adequate storage capacity shall be maintained above the permanent “pool” in the wet pond in order to detain stormwater runoff and promote pollutant settling.
- (6) Should any of the project’s surface or subsurface drainage/filtration structures or other BMPs fail or result in increased erosion, the applicant/landowner or successor-in-interest shall be responsible for any necessary repairs to the drainage/filtration system and restoration of the eroded area. Should repairs or restoration become necessary, prior to commencement of such repair or restoration work, the applicant shall submit a repair and restoration plan to the Executive Director to determine if an amendment or new coastal development permit is required to authorize such work. If the Executive Director determines that an amendment or a new permit is required to authorize the work, no such work shall begin or be undertaken until it is approved in accordance with the process outlined by the Executive Director;
- (7) Should a qualified water quality professional(s) determine that the Recommended Maintenance Procedures as proposed in the SUSMP need to be revised due to site-specific data, the applicant shall submit revisions and supporting information describing the reason for the revisions for review and approval of the Executive Director.

2. Dry Weather (Low Flow) Diversion to a Wet Pond

- a. All low diversion shall be pumped to and treated by Wet Pond “A.”
- b. The applicant shall submit final design specifications for the installation of the low flow diversion pump(s). Prepared by a licensed water quality professional, the design shall demonstrate sufficient sizing of pump(s) and/or pump structures to divert all dry weather/nuisance flows from the storm drain system.

3. Restaurants

- a. Wash down areas for restaurant equipment and accessories and food preparation areas shall be designed to meet the following:
  - (1) The area shall be self-contained, equipped with a grease interceptor, and properly connected to a sanitary sewer. The grease interceptor shall have the capacity to capture grease to the maximum extent practicable.
  - (2) If a wash area is to be located outdoors, it shall be covered, paved, have primary containment, and be connected to the sanitary sewer.

- (3) The grease interceptor shall be regularly maintained according to manufacturer's specifications to ensure maximum removal efficiencies.
- (4) The applicant shall be responsible for ensuring that restaurant owners, managers, and staff are educated about the use and maintenance of grease interceptors, as well as BMPs designed to limit, to the maximum extent practicable, the contribution of pollutants from restaurants, wash areas, loading areas, trash and recycling storage areas.
- (5) The applicant shall not use or distribute any polystyrene or foamed polystyrene product (including, but not limited to, foamed polystyrene cups, plates, and "to go" food boxes).
- (6) Informational signs around the establishments for employees and customers about water quality and the BMPs used on-site shall be provided.
- (7) The above restaurant management practices shall be incorporated into a lease agreement with the concessionaire or operator of such facilities so that such requirements are binding upon them.

4. Trash and recycling containers and storage areas

The applicant shall construct trash and recycling containers and storage areas that, if they are to be located outside or apart from the principal resort structures, are fully enclosed and water-tight in order to prevent stormwater contact with waste matter which can be a potential source of bacteria, grease, and particulates and suspended solids in runoff, and in order to prevent dispersal by wind and water. Trash container areas must have drainage from adjoining roofs and pavement diverted around the area(s), and must be screened or walled to prevent off-site transport of trash.

5. Sweeping

The applicant shall, on a weekly basis, sweep the parking areas and roads to remove sediment, debris, and vehicular residues. Washing-down of impervious surfaces is prohibited, unless these nuisance flows are captured and treated on site by diversion to Wet Pond "A" and do not contribute any additional pollutants to the runoff.

6. Pools, Spas, and Fountains

Pool, spa, and fountain water shall not be discharged into the storm drain system, the Pacific Ocean, or any other receiving water. For maintenance and repair of the pool, spa, and fountain structures, BMPs shall be utilized to ensure no pollutants are discharged to receiving waters. If drainage is necessary, pool and fountain water shall only be drained into a pipe connected to the sanitary sewer system.

7. Education and Training

- a. Annual verbal and written training of employees, tenants, landscapers, BMP maintenance crews, property managers and other parties responsible for proper functioning of BMPs shall be required.
- b. Outdoor drains shall be labeled/stenciled to indicate whether they flow to an on-site treatment device, a storm drain, or the sanitary sewer, as appropriate.
- c. Storm drain stenciling (“No Dumping, Drains to Ocean” or equivalent phrase) shall occur at all storm drain inlets in the development.
- d. Informational signs about urban runoff impacts to water quality and the BMPs used on-site shall be provided (e.g., at trail heads, at centralized locations near storm drain inlets, near the wet ponds, etc.).
- e. The applicant or responsible party shall be responsible for educating all landscapers or gardeners on the project site about the IPM program and other BMPs applicable to water quality management of landscaping and gardens. Education shall include distribution of written materials, illustrations and verbal instruction.

**B. Water Quality Monitoring Program**

**PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, for review and approval of the Executive Director, a revised final Water Quality Monitoring Program Plan (monitoring plan), designed to characterize and evaluate the potential effects of stormwater and dry weather runoff from the proposed development on receiving waters. The final plan shall demonstrate substantial conformance with the Monitoring Program included in chapter VI of the Standard Urban Storm Water Mitigation Program (SUSMP) for Long Point Destination Resort dated March 14, 2003 and revised May 15, 2003, prepared by The Keith Companies, and it shall be consistent with the requirements of these special conditions:

1. Water quality monitoring shall comply with the following requirements:
  - (a) The monitoring plan shall identify the pollutants of concern for this site (or any appropriate indicator parameters) that will be monitored. The Monitoring Plan shall identify a process for adding to or deleting parameters from the plan.
  - (b) The plan shall specify sampling protocols to be used for each water quality parameter. Measurements must be precise enough to evaluate whether receiving waters are meeting applicable water quality standards.
  - (c) The plan shall specify the sampling locations (e.g., upgradient site boundary, wet ponds, discharge points).
  - (d) The plan shall specify the sampling frequencies (e.g., baseline, dry weather, first flush, subsequent storm events).
2. The Monitoring Program plan shall include a map of the proposed sampling locations.

3. Annual reports and semiannual updates containing data and analytical assessment of data in comparison to any applicable water quality objectives and other criterion specified herein, shall be submitted to the Executive Director of the Commission and to the Los Angeles Regional Water Quality Control Board after all construction approved by this permit has been completed.
- C. The permittee shall undertake development and shall operate the site in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

**21. UNITED STATES ARMY CORPS OF ENGINEERS APPROVAL**

**PRIOR TO COMMENCEMENT OF CONSTRUCTION**, permittee shall provide to the Executive Director a copy of a permit issued by **United States Army Corps of Engineers**, or letter of permission, or evidence that no permit or permission is required. The applicant shall inform the Executive Director of any changes to the project required by the **United States Army Corps of Engineers**. Such changes shall not be incorporated into the project until the applicant obtains a Commission amendment to this coastal development permit, unless the Executive Director determines that no amendment is legally required.

**22. RETENTION OF LOCAL GOVERNMENT CONDITIONS OF APPROVAL**

Nothing in this action is intended to or does change any action taken by the local government, including the conditions of approval for CDP No. 166 approved by the Rancho Palos Verdes City Council on August 28, 2002, except as explicitly stated herein or to the extent that any such conditions are in conflict with the Commission's special conditions listed herein. For purposes of condition compliance, the City of Rancho Palos Verdes shall remain responsible for reviewing and determining compliance with special conditions imposed through CDP No. 166 as contained in Exhibit 2.

**23. INSPECTIONS**

The Commission staff shall be allowed to inspect the site and the project during its development, subject to 24-hour advance notice.

**24. COMPLIANCE**

All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any changes approved in this permit and any amendments and subject to any revised plans provided in compliance with the Commission's special conditions and any other special conditions noted above. Any proposed change from the approved plans must be reviewed and approved by the Executive Director to determine if an amendment is necessary. Pursuant to this, all development/uses on site shall conform to the proposed project description as submitted, dated March 25, 2003, including but not limited to a public golf practice facility, 582-room hotel with health spa, restaurants and banquet facilities, four public access trails, a connecting trail to the existing offsite adjacent Vanderlip Trail and no fewer than one hundred (100) public parking spaces, as modified by the Commission's action. If there are inconsistencies, the conditions of this permit shall prevail.

**25. PROOF OF LEGAL ABILITY TO COMPLY WITH CONDITIONS**

**PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the permittee shall provide 1) proof of undivided legal interest in all the properties subject to this permit, or 2) proof of the permittee's ability to comply with all the terms and conditions of this coastal development permit.

**26. SURRENDER OF ALL PREVIOUS PERMITS APPLYING TO THIS PROPERTY INCLUDING CDP NO. A-5-RPV-91-046**

**PRIOR TO ISSUANCE OF THIS COASTAL DEVELOPMENT PERMIT**, the applicant(s) and all legal owners of the property shall surrender in writing all rights to construct under all previous coastal development permits that apply to this property including but not limited to Coastal Development Permit A-5-RPV-91-046.

**27. FUTURE SUBDIVISION/TRACT MAPS**

**PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant permittee shall acknowledge in writing that all future tract maps, including a tract map to enable the sale of the "independently" owned units, the casitas and the villas, will require an amendment to this coastal development permit.

**28. BUYER'(S) ACKNOWLEDGMENT**

**A. PRIOR TO ISSUANCE OF THIS COASTAL DEVELOPMENT PERMIT**, the owner(s) of the property that is the subject of this permit shall agree that before any sale or transfer of any of that property or any interest in that property that



occurs before completion of all public amenities required in this permit and establishment of habitat restoration areas required in this permit (collectively, the “Improvements”), the owner-seller shall secure a letter from the buyer of the property (1) acknowledging (a) that the conditions imposed by this permit, as amended, run with the land, (b) that the use and/or development of the land is restricted by the special conditions of the permit and restrictions recorded on the property pursuant thereto, and development of the property is contingent on the implementation of habitat preservation and enhancement described in the final habitat restoration plan and the construction and opening to the public of public trails and other public access and recreation amenities, (c) that pursuant to the special conditions of the permit and the special offers recorded pursuant thereto or otherwise required in this coastal development permit, the public has certain rights with respect to future use of project streets and trails; and (2) agreeing that, prior to any further sale or transfer of any of the property or any interest in the property that occurs before completion of the Improvements, that that buyer-turned-seller shall secure from its buyer a letter to the same effect.

- B. Subsequent to the issuance of this coastal development permit, and prior to the sale or transfer of any of the property or any interest in the property that is the subject of this permit that occurs before completion of all of the Improvements, the owner of the property being sold shall secure a letter from the buyer (1) acknowledging (a) that the conditions imposed by this permit, as amended, run with the land, (b) that the use and/or development of the land is therefore restricted by the special conditions of this permit and restrictions recorded on the property pursuant thereto, and development of the property is contingent on the implementation of habitat preservation and enhancement described in the final habitat restoration plan and the construction and opening to the public of public trails and other public access and recreation amenities, and furthermore, (c) that pursuant to the special conditions of the permit and the special offers recorded pursuant thereto or otherwise required in this coastal development permit, the public has certain rights with respect to future use of project streets and trails; and (2) agreeing that, prior to close of escrow on any further sale or transfer of any of the property or any interest in the property that occurs before completion of the Improvements, that that buyer-turned-seller shall secure from its buyer a letter to the same effect.
- C. A copy of such letter(s) shall be provided to the Executive Director, and the Planning Director of the City of Rancho Palos Verdes before close of escrow.

**29. GENERIC DEED RESTRICTION**

**PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit to the Executive Director for review and approval documentation

demonstrating that the landowners have executed and recorded against the parcel(s) governed by this permit a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property; and (2) imposing the Special Conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the Property. The deed restriction shall include a legal description of the entire parcel or parcels governed by this permit. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.

#### **IV. FINDINGS AND DECLARATIONS**

The Commission hereby finds and declares:

##### **A. Project Description and Area History**

The applicant proposes to construct a 582-room resort: (400 hotel rooms and 82 units consisting of 50 three-keyed “casitas”, and 32 “villas” that the applicant will eventually propose to sell as condominium units), a driving range/golf academy and a three-hole practice course (ranging between a par 3 through a par 5) on the 102.1 acre Long Point site at 6610 Rancho Palos Verdes Drive South in the City of Rancho Palos Verdes (Exhibit 1). The project includes a 68,000 square-foot banquet facility/conference center, 8,000 square-foot golf school/golf club house, convenience services/retail sales, 20 to 25,000 square-foot spa/fitness center, two tennis courts, four restaurants, public trails and park areas (2.2 acres), coastal access points, 100 public parking spaces and 975 resort/golf parking, natural open space and habitat areas (7.9 acres). The public golf practice facility will occupy 32.5 acres of the site. The proposed grading on site is 784,550 cubic yards (392,275 of cut and 392,275 of fill). The proposed project includes a tentative parcel map, which creates four separate parcels: Parcel 1 consisting of the resort site (88 acres); Parcel 2 consisting of 36 resort casitas located at the western side of the site (6.3 acres); Parcel 3 consisting of 14 resort casitas located at the eastern side of the site (1.7 acres); and Parcel 4 consisting of 32 resort villas located at the northern side of the site (6.5 acres). The condominium units (“casitas” and “villas”) will require a separate tract map and an amendment to this permit.

The site forms a triangular peninsula that is seaward of Palos Verdes Drive South. It is the former Marineland Aquatic Park property that closed down in 1985. The site consists of flat graded areas and steep cliffs that support coastal bluff scrub habitat areas for the endangered El Segundo blue butterfly. The site has some existing development including

large surface parking lots, vacant buildings and the Catalina Room banquet facility. Urgency Ordinances adopted by the Rancho Palos Verdes City Council upon the closure of Marineland established a requirement for coastal access and public parking on the Long Point property. The parking and coastal access remain open during daytime hours 8:30 a.m. and 4:00 p.m.

### ***Previous Project On Site***

On September 11, 1991, the Commission approved a similar project at this site with special conditions regarding the establishment of a public parking and recreational area, signage, conformance with city conditions, a trail connection to Point Vicente and an in-lieu payment to mitigate the loss of low cost visitor-serving opportunities (A-5-RPV-91-46). The previous approval was for a commercial/recreational development, which included a 9-hole golf course, 450 room hotel, conference facilities, restaurant, tennis court complex, retail facility, trails and parking at the 6610 Palos Verdes Drive South property in Rancho Palos Verdes. A one-year extension request is currently pending.

### ***Current Project History***

Initially the applicant applied for a coastal permit for a considerably larger, slightly different project. On October 9, 2001 the City of Rancho Palos Verdes Planning Commission approved a project that consisted of a 550-room (400 guest rooms and 50 3-keyed casitas) resort hotel and conference center, 32 private villas, and a nine-hole golf course on 168.4 acres of land. The project was to be located on two distinct geographical areas: 103.5 acres of privately owned land located at 6610 Palos Verdes Drive South and formerly occupied by Marineland and 64.9 acres of publicly-owned land generally located at 30940 Hawthorne Boulevard and commonly known as Upper Point Vicente.

On June 18, 2002 the Rancho Palos Verdes City Council determined that the proposed development on the Upper Point Vicente area would not be permitted, conceptually approved the reduced project and directed Staff to prepare the appropriate Resolutions and Conditions of Approval. The applicant then returned with a revised project excluding the City property (Upper Point Vicente) and proposing a resort hotel/practice golf facility at the former Marineland site. The City Council held four noticed public hearings to consider the revised project and ultimately approved it on August 28, 2002 (Exhibit 2).

At the conclusion of the August 28, 2002 public hearing, the City Council found that the proposed project was consistent with the goals and policies of the City of Rancho Palos Verdes certified LCP. The Council also adopted a Statement of Overriding Considerations, and a Mitigation Monitoring Program in connection with CUP No. 215, Grading Permit No. 2229, Variance No. 489, Coastal Development Permit No. 166 and Tentative Parcel Map No. 26073 for a proposed hotel and related uses to be known as the Long Point Destination Resort. However, the City has not received an application for a Final Tract Map created to enable the sale of the independently owned units, the casitas and the villas.

## **B. Public Access**

Section 30210 of the Coastal Act states:

*In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.*

Section 30211 of the Coastal Act states:

*Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.*

The City's certified Local Coastal Program (LCP) reflects the linear nature of the City's coastal zone, which is a flat coastal plain that ends in unstable cliffs. The unstable cliffs often have sensitive habitat and throughout the City, the public jogs/walks along the tops of the cliffs and gains access to the beach over steep trails. The LCP addressed this by identifying corridors for access, habitat and views.

The Corridors (Access Corridor) Element of the Land Use Plan portion of the certified LCP states:

*Continuity of pathways between major access corridors, open spaces, etc., should be provided within private developments, but designed so as to retain privacy for adjacent residences within these developments.*

The Corridors (Natural Corridor) Element of the certified LCP states:

*Natural Corridors should, where desirable and feasible, be utilized as pedestrian access corridors providing access to the coastal bluff area and public use areas, and should have appropriate design treatment to insure pedestrian safety as well as retention and enhancement of the natural features.*

The Corridors Element of the certified LCP states:

*It is the policy of the City to: Require development proposals within areas which might impact corridors to analyze the site conditions in order to mitigate impacts and obtain feasible implementation of all corridor guidelines.*

Policy No. 2 of the Urban Environment Element of the certified LCP states:

*It is the policy of the City to encourage new developments adjoining public trails to design internal trails to link with the public trails.*

### **PUBLIC TRAILS**

The LCP designates a primary path and trail along Palos Verdes Drive South and a secondary path and trail at the eastern boundary of the property. When discussing this site, the LCP did not necessarily assume that the Marineland site would not change but it did assume that any development following would be a similar visitor-serving recreation use, providing public parking for existing public trails.

The proposed project would add to the existing trails on the site. The City has found in previous actions that there has been continued public access on the site since the closing of the Marineland Park. Currently there is one public trail leading down a maintenance road at the eastern end of the property to the beach. The applicant is proposing to establish approximately 3.8 acres (4 miles) of dedicated public trails and trail corridors, including an ADA compliant trail from the bluff top to the beach (Exhibits 3 and 4). A linkage between the Long Point site trails connecting to an existing regional trail, the Vanderlip Trail is also proposed. The Vanderlip Trail is an off-site regional trail that is located adjacent to the southeast corner of the site and continues down coast along the bluff top.

The project plans provided by the applicant show four main public pedestrian trails:

1. The Long Point Bluff-Top Trail begins at the Fisherman's Access Lot, which is seaward and adjacent to Palos Verdes Drive South (northeast corner of the site). It extends south and east along the bluff top through the Long Point property. The plan shows the trail continuing, parallel to the bluff edge and seaward of the hotel, terminating at the southeastern coastal access point (Exhibit 3). Minor grading is proposed to make the trail easier and more gradual. A second segment of the Long Point Bluff-Top Trail connects from the top of the ADA Compliant Trail and extends along the top of the bluff, seaward of the East Casita accommodations, connecting to a north/south trail along the down coast property line identified as the Flowerfield Trail, and also connecting to the existing Vanderlip Trail which continues east, along the bluff tops (Exhibit 3).
2. The ADA accessible trail begins at the proposed public parking area to the east of the hotel, continues seaward down the face of the bluff by way of switchbacks to a pad constructed by Marineland to support seawater tanks. Major grading will be necessary to construct the trail. This trail connects to a former maintenance road, identified as Shoreline Access Ramp 1 on the Long Point Resort Public Benefits Summary, dated December 24, 2002, which the City believes is ADA accessible for vigorous users and extends to the beach (Exhibit 3).

3. The Flowerfield Trail begins at the hotel entrance way and extends east to the eastern property line and continues south along the property line until reaching the Long Point/Vanderlip Trail link.
4. The Marineland Trail, a combined bike/pedestrian trail, runs parallel to Palos Verdes Drive South, extending from the northeastern corner of the site, adjacent to the Fisherman's Access Lot and terminating at the resort entrance way. The Marineland Trail links existing off-site trails that run along Palos Verdes Drive South (Exhibit 3).

The applicant also proposes a bike/pedestrian "resort entry trail" that is open to the public that runs along the resort entry road terminating at the main hotel. In addition to new trails, the applicant proposes to maintain the existing shoreline access trail at the southeast corner of the site (Shoreline Access Ramp 1) and to improve an additional bluff to beach coastal access way at the southern tip of the site (Shoreline Access Ramp 2 – See Exhibit 3). According to the applicant, all new trails will be ADA accessible with a few exceptions: the west portion of the Long Point Bluff-Top Trail, the Shoreline Access Ramp 2 at the tip of Long Point, in the center of the site, which is a narrow switchback down the cliff, and the entry road trail. All trail surfaces are proposed to be constructed with stabilized decomposed granite or other "acceptable surface". New pedestrian trails are proposed at 4-feet wide within a 6-foot easement and combined bike/pedestrian trails are proposed to be 5-feet wide within 8-foot easement. The Commission notes that the bicycle/pedestrian trail widths of 5 feet proposed by the applicant are narrower than the typical combined bike/pedestrian trail width described in the certified LCP, which are designed for two-way passage. The Commission requires that the combined bike/pedestrian trails be consistent with Caltrans standards for a heavily used, two way mixed pedestrian and bicycle trail, which is a 10-foot wide trail (16-foot wide corridor) for two-way passage. Los Angeles County indicates that it will accept an 8-foot two way bicycle trail but, according to Barry Kurtz, a Senior Transportation Consultant with Los Angeles County,

*According to Caltrans' Bikeway Planning and Design Chapter 1000 of Caltrans' Design Manual, the minimum width of a Class I Bikeway (an off-road bike path) is 8 feet (or 2.4 m), with 2-foot (0.6 m) shoulders for a total of 12 feet. However, the Manual states, "Where heavy bicycle volumes are anticipated and/or significant pedestrian traffic is expected, the paved width should be greater than 2.4 m, preferably 3.6 m or more." Because of the heavy demand, the South Bay Bike Trail (SBBT) along the beach and through the Marina is 16 feet wide. I've noticed the SBBT in Santa Monica south of the pier is wider than 16 feet and has a separate pedestrian path adjacent to the bike path. I believe any bike path with significant pedestrian volumes should have an adjacent pedestrian path because the non-bikers tend to take over. (Barry Kurtz, May 21, 2003)*

The Commission is imposing special conditions that require the applicant to carry out the establishment of the trails as proposed in letters from Destination Development to the Coastal Commission dated March 25, 2003 and May 13, 2003 and in accordance with

project plans provided to the Commission by the applicant and in conformance with conditions imposed by the City of Rancho Palos Verdes (CDP No. 166) on August 28, 2002 that are not in conflict with this permit (Exhibits 2, 9 and 10). The Commission is also imposing special conditions that require the applicant to 1) increase the widths of the improved trails and the width of the corridors 2) keep the public trails open and safe during construction of the hotel and golf areas; 3) replace the bluff top trails and coastal access ways if at any point they are damaged by bluff failure or erosion; 4) submit formal legal descriptions of the public trails, park and bikeways for the purpose of acknowledging what areas will be open to the public and that no development, as defined in Section 30106 of the Coastal Act, shall occur within those described areas except as authorized in this permit and 5) execute a recorded deed restriction to ensure the trails continue to be open to the public during the life of this development. In addition, Special Condition 2 requires that the project include a dedication of easements over the privately owned beach area, public trails, public access ramps, and the passive public park area for the purpose of protecting public access to and the use of these areas. Only as conditioned does the Coastal Commission find the project to be consistent with the certified Local Coastal Program (LCP) and the public access policies of the Coastal Act.

### **PARKING**

The proposed project is a commercial recreational use that includes a hotel resort with amenities for the public and resort guests. To accommodate all patrons, the applicant is proposing 975 parking spaces for the resort and golf facility and 100 parking spaces designated for use by the public (1,075 spaces total). Proposed parking consists of 490 on-grade surface stalls, 375 structure stalls and 60 subterranean stalls. The 100 public parking spaces are proposed as surface parking divided up as follows: 1) 50 general public spaces to be located adjacent to the Fisherman's Access Lot in the northeastern corner of the site and 2) 50 general public parking spaces in the project's eastern lot, located near the head of the ADA compliant public coastal access trail that combined with an existing shoreline access ramp, leads down to the beach at the southeast corner of the site – See Exhibit 5). This former maintenance road is currently open to the public and used by beachgoers, divers and surfers to reach the beach.

The project includes separate parking for the resort villa units located adjacent to the property entrance and Palos Verdes Drive South, which are calculated as part of the 975 resort use parking spaces. Each resort villa unit is designed to have a two-car garage and a two-car driveway for a total of 128 off-street parking spaces attributable to the villas. 22 additional on-street parking spaces are also proposed on the street (Exhibit 5). The City found that since the proposed project does not consist of an independent land use but rather multiple uses (hotel, banquet, restaurants and golf), a shared traffic and parking study would be acceptable (Exhibit 11). The study, provided by the applicant, concluded with various parking ranges, from .73 to 1.4 parking spaces per room. The applicant's traffic engineer determined and the City agreed that a parking rate of 1.4 or 1.5 parking

spaces per room would be appropriate for this project. In Rancho Palos Verdes there is little or no on-street parking on the main coastal access road therefore it is necessary to require new development to provide adequate parking. According to the City's zoning, approximately 914 parking spaces should be provided to serve the entire resort, including the villas. 975 on-site parking spaces to serve the resort and its amenities are being provided and are consistent with the City's zoning and certified LCP and the public access policies of the Coastal Act.

The certified LCP requires that any coastal dependent and commercial recreational use provide at least ten percent of its parking for the use of the public. The applicant is proposing 100 on-site public parking spaces: 50 near the Fisherman's Access parking lot and 50 near the eastern casitas. The applicant is noting that these spaces may not be available during "special events." To assure compliance with the LCP, the Commission is limiting, in Special Condition 5, the number of special events that can close public parking to one summer event and two winter events. In the existing A-5-RPV-91-46 Coastal Development Permit, the Coastal Commission also required that ten percent of the parking be for the use of the public and that 50 of those total public parking spaces be located at the northwest portion of the property (Exhibit 12). The proposed project as conditioned is consistent with past Commission actions, the certified LCP and the public access policies of the Coastal Act.

The Commission is requiring that the applicant assure that the 100 public parking spaces be available for the general public during the hours of one hour before dawn to one hour after dusk. The Commission requires that the applicant offer a public easement over the westerly 50 car parking area and over the eastern 128-car parking area, allowing the public to access no fewer than 50 of the spaces for parking. Pursuant to this requirement the applicant is required to submit a legal description of these parking areas and that no development occur that impedes the access and availability by the public from one hour before dawn to one hour after dusk. Ensuring that ten percent of the on-site parking remains free and open to the public is consistent with the certified LCP and the public access policies of the Coastal Act.

Since there is no on-street parking available on Palos Verdes Drive South, the provision of public parking is necessary to assure continued public access to the beach on the eastern end of the property. As mentioned above, the applicant proposes to provide fifty (50) public parking spaces located within the car parking lot adjacent to the eastern casitas. The applicant proposes to "designate" these spaces, limiting public parking to the designated 50 spaces, but also proposes that these "public" spaces may be used for overflow parking for the resort. In addition to the general public, hotel guests, casita owners, golfers, and participants in banquets or conferences will use this parking area. While the parking needed for the resort is calculated based on a shared parking scenario, it is not clear that the conference guests, wedding guests and restaurant patrons would be able to use the 128 villa parking spaces, or if it happens that if restaurant and hotel visitors fill up the public spaces, whether the public would be able to park in the remainder of the



lot. Providing an adequate amount of public parking is not possible if hotel guests or overflow from wedding parties or conferences occupies the designated public parking. Therefore the Commission finds that it is necessary that the applicant manage its parking lots so that such parking problems are avoided. In addition to requiring that the adequate parking be provided for the public, the Commission is requiring the applicant to submit a parking management plan that includes 1) adequate signage informing the public that parking is available and where the spaces are located; 2) a guarantee that parking will be open to the public during trail and park operating hours of one hour before dawn to one hour after dusk; 3) a plan that ensures that the designated 50 public parking spaces adjacent to the eastern casitas will not be taken up by hotel guests or casita owners, an agreement that the public will not be confined to the “public spaces” in the event that patrons occupy the spaces and 4) a requirement that high attendance events use valets or other methods to assure that public spaces are available to beach visitors. The Commission finds that only as conditioned is the project consistent with the certified LCP and the public access policies of the Coastal Act.

### **C. Public Recreation**

The Coastal Act provides that visitor and recreation serving facilities be given priority over other private uses, and that such visitor-serving facilities where feasible include lower cost facilities.

Section 30221 of the Coastal Act states:

*Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.*

Section 30222 of the Coastal Act states:

*The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.*

Subregion 2 Section of the LCP states in part:

*Any future development on the site will require City approval in the form of a Conditional Use Permit. Compatible uses could include those of a Commercial Recreational nature, visitor-oriented, such as additional oceanarium attractions,*

*retail facilities, recreation uses, motel, convention facility, restaurants, museum, etc. Those considered not compatible are uses of a “carnival” nature.*

17.22.030 of the City’s Municipal Code, (part of the certified LCP) states in part:

*The following uses may be permitted in the commercial recreational (CR) district pursuant to a conditional use permit, as per Chapter 17.60 (Conditional Use Permit):*

- A. Any new or reestablished use which is of an entertainment, visitor serving or recreational nature, including but not limited to a resort/conference hotel, restaurant, limited theme retail, tennis court, golf course and other entertainment and banquet facilities compatible with existing uses and the surrounding area. Such use, if located within the coastal specific plan district, shall be required to provide public access to and along the bluff and coastline;*
- F. Golf courses, driving ranges and related ancillary uses;*
- J. Outdoor active recreational uses and facilities; and*

The Corridors Element Section of the LCP states in part:

*The following are guidelines and should be considered whenever dealing with an area identified as a natural corridor:*

*Natural corridors should, where desirable and feasible, be utilized as pedestrian access corridors providing access to the coastal bluff area and public use areas, and should have appropriate design treatment to insure pedestrian safety as well as retention and enhancement of the natural features.*

The Corridors Element of the certified LCP states:

*It is the policy of the city to: Require development proposals within areas which might impact corridors to analyze the site conditions in order to mitigate impacts and obtain feasible implementation of all corridor guidelines.*

The proposed project is the redevelopment of a site that formerly served large numbers of the general public and that also provided a site for overflow parking for the City's trail system. While the proposed project is a visitor-serving facility, it is not a lower cost facility, and by its design will serve significantly fewer visitors than the previous use. The proposed hotel includes some facilities that are open for public use as well as resort guest use.

These are a golf facility (three golf practice holes and driving range), conference facility, banquet and meeting rooms, spa/fitness center and restaurants and bars (including the Lookout Bar on the western bluff edge), which are all available to the public. On-site low cost public recreational amenities include the proposed public trails throughout the site that provide access to the shoreline and to off-site trails. Along the Long Point Bluff-Top trail, which runs parallel with the bluff edge, the applicant proposes approximately seven bluff-top view points, a public bluff top park and a public restroom (within the Lookout Bar). Special Conditions 5 and 29 require the applicant to execute a recorded deed restriction that provides that the visitor-serving resort and golf facilities conform to specific requirements such as remaining as commercial visitor-serving and open to the general public. Any change in use shall require an amendment to this permit. As conditioned the project is consistent with the certified LCP and the public recreation policies of the Coastal Act. Special condition 2 requires the applicant to offer an easement over the proposed trails in order to assure that the trails remain available to the public.

The applicant is also proposing a lower hotel pool, public restrooms and snack bar on a graded bench on the bluff face (eastern bluffs, adjacent to the existing coastal access point that terminates at the beach). The Commission finds that this proposed hotel lower pool and snack bar are not appropriate uses on the bluff face and are inconsistent with the certified Local Coastal Program. The LCP protects the bluff faces by identifying them in three of its protected corridors: visual, habitat protection and geological sensitivity. The LCP includes a coastal setback line to protect these resources and to protect development from the eventual erosion of the bluffs. The LCP limits development seaward of the coastal setback line to trails and other low intensity public recreational uses. The applicant proposes to grade an approximate 8,500 square-foot pad, on a small bench graded by Marineland to accommodate a seawater tank, extending the pad seaward to construct a pool for hotel guests (Lower Pool), a snack bar and restrooms. According to the City of Rancho Palos Verdes Planning Commission staff report approving a variance for the proposed Lower Pool facility, total grading for the lower pool facility is 801 cubic yards. In addition, the project includes several golf holes on the re-graded slope above the pool on the bluff face. The Commission finds that this variance, granted because limited grading had occurred at this location in the past, is not consistent with the policies of the LCP.

Because this development is located seaward of the LCP established Coastal Setback Line and on the bluff face, the Commission is requiring that the applicant eliminate the proposed Lower Pool facility and the proposed grading for the facility that is located on the bluff face. The applicant is permitted to construct a public restroom/shower facility at this location on the existing pad. If the applicant chooses not to construct the proposed public restroom/shower on the lower pad, the Commission is requiring that a public restroom be provided at the top of the bluff adjacent to the public parking and eastern casitas. The only other public restroom proposed on this 102-acre site is located across the site at the western bluff edge in the Lookout Bar. There is also an off-site public restroom owned by Los Angeles County located to the north of the resort. The restrooms located on the western side of the site will not adequately provide for the public who use the eastern area

trails and beach. While the private lower pool for guest use is inconsistent with the LCP for development on the bluff, the Commission approves the grading for the public access ADA Compliant Trail as long as the trail, combined with an improved existing trail (Shoreline Access Ramp 1) can provide increased public access to the beach by providing ADA Compliant accessible access to the beach. The Commission notes that there are no other handicapped access ways that connect to beach level on the Palos Verdes peninsula. The Commission has imposed special conditions to assure that the trail (1) is in fact ADA compliant and does not just prove access to hotel guests, and (2) extends, when combined with Shoreline Access Ramp One, ADA accessible passage all the way to the beach. As conditioned the project is consistent with the public recreation policies of the Coastal Act.

The applicant proposes an eventual subdivision to allow sale of the 50 casitas and 32 villas to private parties. As proposed, these facilities would have one owner per unit. Owners would be permitted to occupy the unit for a maximum 29 consecutive days up to 60 days per year in the casitas and up to 90 days per year in the villas. As required by the City of Rancho Palos Verdes (Coastal Permit No. 166), the applicant proposes that owner occupancy shall not exceed the 29 consecutive-day time period and that there be a 7-day minimum time period in between the 29-day stays. The applicant proposes that the casitas and villas will be operated by the hotel and rented out to the public during the rest of the year.

The certified LCP designates the former Marineland site as commercial/recreational and requires that future development shall be visitor serving or recreational in nature. Privately owned units are not visitor serving, therefore, the Commission is imposing a special condition that limits the length of the owners' stays. The special condition requires 60/90-day occupancy restriction and is also requiring the applicant to assure that all future owners of the individual units will be informed of the requirement. Special Condition 29 requires the applicant to record a deed restriction that will include this and other restrictions on the development. As conditioned, the casitas and villas are to be included as part of the hotel's room pool throughout 9 to 10 months of the year, thus available as a commercial/recreation use. As proposed and conditioned the project is consistent with the certified LCP and the recreation policies of the Coastal Act.

Section 30213 of the Coastal Act states:

*Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.*

*The commission shall not: (1) require that overnight room rentals be fixed at an amount certain for any privately owned and operated hotel, motel, or other similar visitor-serving facility located on either public or private lands; or (2) establish or*

*approve any method for the identification of low or moderate income persons for the purpose of determining eligibility for overnight room rentals in any such facilities.*

The applicant proposes to develop a site that was previously a low-cost recreational facility that attracted millions of people over the years with a new high-cost resort hotel. The project and the recent City approval (CDP No. 166) do not address provisions of lower-cost visitor accommodations. The applicant does not propose to accommodate lower-cost overnight facilities on the site. Previously, in mitigating the abandonment of Marineland, a mass-market park, the Coastal Commission required that the applicant provide an in-lieu fee for the acquisition of land and/or construction of a low-cost visitor serving hostel facility (A-5-RPV-91-46, Exhibit 13). This is the only site on the peninsula that is planned to be developed as an overnight facility. Occupancy of the site solely by a higher-cost facility would preclude development of lower cost facilities, limiting the ability to visit the coastline to visitors who can pay the fees at the top end of the market. While trails are one kind of lower-cost amenity, they do not serve those who do not live in the immediate area. Previous developers have indicated that it is not feasible to build lower cost overnight accommodations on the site, preferring instead to develop golf in the remaining space on the site. An alternative would be to develop a campground or RV park on the 32 acres devoted to golf. If this is not feasible, the alternative would be to contribute to lower cost facilities in the area. In other instances, the Commission has required provisions of lower cost visitor accommodations in conjunction with the hotel development, but permitted the developer to provide such units off-site and/or contribute in-lieu fees to be used for construction of the lower cost facilities (5-82-542-A3, 5-87-675, A-207-79, a-49-79, 79-5539, 5-82-291).

The Commission finds that the applicant must mitigate the loss of low-cost, visitor-serving historic use of the site in conjunction with its conversion to a higher cost hotel/golf resort. The project is therefore conditioned to provide in-lieu fees to a non-profit agency in the amount of \$540,000 to be used for land acquisition and/or construction of lower cost visitor accommodations such as hostel facilities. Non-profit agencies such as the American Youth Hostel facilities (AYH), operates a youth hostel in San Pedro and proposes expand a Long Beach facility. There may also be other agencies that are capable of providing low-cost overnight accommodations. Only as conditioned will the proposed project conform with prior actions of the Coastal Commission and Section 30213 of the Coastal Act.

#### **D. HABITAT**

The City and the applicant have identified sensitive habitat on the site. The applicant is proposing a number of measures to enhance the habitat. The proposals are still preliminary. Several features of the applicant's proposal will impact habitat areas. Some of these impacts are avoidable.

The Natural Element Section of the certified LCP (P. N-44) states in part:

*CRM 9 – Wildlife Habitat*

*Existing wildlife habitats can be retained with vegetation and natural drainage patterns maintained to provide water and foraging material in the habitat. It is important to review any proposed development within or adjacent to wildlife habitat districts for the nature of the impact upon the wildlife habitat and possible mitigation measures to fully offset any impacts.*

*Significant marine life habitats have also been included in this CRM district. All development shall be reviewed with regard to the increased drainage induced and its possible impacts on the marine environment, the intensified use of the habitats by the induced population, and possible design factors or mitigation measures to assure the protection of this threatened resource.*

The Natural Element Section of the certified LCP, Policy No. 8 states:

*It is the policy of the City to require developments within or adjacent to wildlife habitats (CRM 9) to describe the nature of the impact upon the wildlife habitat and provide mitigation measures to fully offset the impact.*

Urban Environment Element Landscape/Hardscape guidelines of the certified LCP state in part:

*The use of plant materials and planting designs which reflect the natural coastal sage scrub character of the peninsula, and the Southern California coastline in general, is encouraged for open and common areas within developments rather than the use of extensive decorative materials and plans requiring extensive maintenance/watering, and which are in contrast with species/materials in remaining natural vegetation areas of the City.*

The Vegetation and Wildlife Habitats Terrestrial Section (Natural Element Section) of the LCP states in part:

*Despite the intensive development that has taken place over the past decade, the Rancho Palos Verdes coastal region still possesses areas which are in a natural or near-natural state as well as some areas which had previously been scarred by extensive grading activity but are reverting to a natural state. These areas include the coastal bluff area, natural ravines and drainage canyons, a few hillsides and coastal plains, and the active portion of the Portuguese Bend landslide.*

*The basis for the habitat areas is the Coastal Sage Scrub. This is the characteristic plant community found on sandy marine terraces and dry rocky slopes below the 3000-foot elevation along Southern California.*

The Corridors Element Section of the LCP states in part:

*Where a protection/preservation corridor is located adjacent to an area involving human use (access, habitation), some buffer area should be designed/planned/maintained so as to avoid adverse impacts.*

The Corridors Element of the certified LCP states:

*It is the policy of the city to: Require development proposals within areas which might impact corridors to analyze the site conditions in order to mitigate impacts and obtain feasible implementation of all corridor guidelines.*

The Natural Element Section of the LCP states in part:

*All factors of the natural environment inherently interact with one another. A change in any one factor may have a resulting series of reactions in any other factor. An example of this type of interaction is natural topography alteration resulting in change in hydrologic patterns which in turn may deprive natural vegetation of adequate irrigation causing a degradation of wildlife habitat.*

*There also exists in the coastal region a number of significant wildlife habitats which are directly associated with vegetation communities. These are generally found on bluff faces and natural canyon areas where wildlife thrives due to the protection and food found from natural vegetation. Though there are no formally recognized endangered or rare species of wildlife or vegetation, these wildlife habitats are significant because of the wide variety and numbers of wildlife which are associated with them. Additionally, the natural vegetation of grasses and wild flowers found on the hillsides and canyons gives a unique environmental character to the City which, if to be preserved, requires consideration of the natural drainage system and topography.*

Natural Corridor Element of the certified LCP states in part:

*Three distinct natural corridor types are evident:*

- *Natural vegetation and drastic topographic change characteristic of the sea bluff edge and face, and related drainage course “mouths” at the bluff edge creating corridors containing extensive vegetation. This is both a horizontal*

*and vertical corridor, with existing and proposed access routes to and down the bluff face representing the primary human intrusions which must be carefully integrated into these corridors.*

The LCP identifies the coastal bluff faces and some bluff top areas of the entire peninsula as having sensitive natural vegetation, which provides significant natural wildlife habitat. The natural vegetation is described as coastal sage scrub (CSS) and coastal bluff scrub (CBS). The wildlife habitat includes seasonal cover for many bird populations. The *Areas for Preservation of Natural Resources* map in the LCP designates the project area's coastal bluffs as Coastal Resource Management District 9 (wildlife habitat, Exhibit 14). The certified LCP also established a coastal setback line that is based on geology, public views and habitat. The LCP limits development within the coastal setback zone and the coastal setback line serves as protection of habitat areas along the bluffs.

The LCP explains the significance of this plant community in supporting a variety of animal habitats (i.e. gray fox, Cactus Wren, and Blacktailed Gnatcatcher, now called Coastal California Gnatcatcher). The Peninsula has some interesting relationships to the Channel Islands according to the LCP. Bird and plant species are found on the islands and on the Peninsula and nowhere else.

Since adoption of the LCP, the City of Rancho Palos Verdes has entered into discussions with the Department of Fish and Game and the United States Fish and Wildlife Service concerning the adoption of a natural communities conservation plan, NCCP, that would preserve large areas of coastal sage scrub in the city to protect threatened species, including the federally listed coastal California gnatcatcher *Polioptila californica californica*. One of the areas in the proposed NCCP is the City property to the east of the hotel site, once considered as part of the proposed hotel. This parcel, the "old Nike site" Point Vicente North, a 64.8 acre City property directly north of Palos Verdes Drive, and several additional canyons, bluff faces and landslides up and down coast of the site are under discussion for incorporation into the NCCP.

According to Volume IV (Biological Resources) of the certified Final Environmental Impact Report dated July 31, 2001, the El Segundo blue butterfly has been observed on the western bluff areas (Exhibit 15). According to the project EIR, existing habitat on the site consists of coastal bluff scrub, disturbed coastal bluff scrub and mule fat scrub. Biological surveys during the evaluation of this development identified the western bluff face as a sensitive area that supports good quality coastal sage scrub, an endemic plant species of concern, Island Green Dudleya, *Dudleya virens* and then endangered, the El Segundo blue butterfly. The survival of the El Segundo blue butterfly depends on native plants found in coastal bluff scrub, specifically *Eriogonum parvifolium*, which is its larval food plant. The eastern bluff supports some remaining coastal bluff plants, but was severely disturbed. The site supports a small riparian area. The riparian plant community is one of the most endangered plant communities in southern California. The information provided by the



applicant shows that coastal bluff scrub is found on the bluff faces of the site, the bluff tops were long converted to other uses and coastal sage scrub is not present. One drainage supports willows and mule fat, and a patch of remnant mule fat is located adjacent to a drainage that seems to have been lined with concrete after the mulefat established.

After reviewing the information, the Commission's staff biologist concurs that CBS or degraded CBS occurs on both the western and eastern bluffs. However, the extent of the habitat area is not clear. There is a discrepancy between the September 1999 EIR (5.6 acres) and the 2001 Biological Resources Report (4.54 acres). Staff has taken the conservative approach and assumed the larger area. Special Condition No. 7 requires the applicant to preserve and protect existing coastal bluff scrub on the western bluffs and provide mitigation for loss of habitat on the eastern bluffs.

The applicant is proposing to include 7.9 acres of natural habitat conservation and enhancement area consisting of 6.7 acres of bluff face habitat (Zone A) and 1.2 acres of newly created coastal bluff scrub enhancement area adjacent to the western bluff face habitat (Zone B). According to the Biological Resource Update report and the applicant's proposed project, the native plant vegetation on the bluff face/habitat reserve will not be disturbed and some non-native invasive species may be removed.<sup>1</sup>

The applicant is proposing to use native coastal bluff scrub in an 80-foot wide "Coastal Bluff Scrub and Coastal Sage Scrub Zone" or "Zone B" which consists of two areas: A 30-foot coastal bluff scrub and coastal sage scrub enhancement area that will be separated by an open fence to prevent human encroachments, and a 50-foot wide coastal bluff scrub and coastal sage scrub enhancement area just inland of it. The purpose of this proposal as well as the use of some natives in the hotel landscaping is to protect threatened and endangered species. The applicant is also proposing to revegetate the area that will be disturbed by grading the ADA Compliant trail, where *Eriogonum cinereum* is present, with "naturalized coastal grasses and accent trees" or "Zone D". Bluff faces do not support native grasses; trees require irrigation to establish, and the animal species of concern, the gnatcatcher and the El Segundo blue butterfly, do not use grasses or trees as food plants. The Commission instead requires the applicant to revegetate this area that it plans to grade with coastal bluff scrub. Finally the applicant proposes a vegetated strip adjacent to Palos Verdes Drive South, identified as the "Enhanced Native Planting Zone" or "Zone C" to be vegetated with "predominately indigenous native shrubs and trees...native trees such as oaks and sycamores will be used sparingly". The Commission finds that this plan is consistent with the potential use of this strip as a habitat corridor if most of the plants used are coastal bluff scrub, native and coastal sage scrub, and native to the Palos Verdes peninsula. The Commission notes that the use of trees in this area is permitted but limited, a concern because coastal sage scrub plants require sun, and again are very low water use plants.

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<sup>1</sup> Biological Resources Update for the Coastal Bluffs of the Resort Hotel Area Long Point Project Site, Bonterra Consulting, March 27, 2003.

While the applicant has not provided a detailed restoration /enhancement plan, the applicant has provided a plant list. The applicant states that review by a qualified biologist, the City and the California Native Plant Society will result in a narrower definition for suitable plants. However, the Commission cannot approve this project with no criteria to guide this committee.

The Commission notes that the proposed plant list includes *Eriogonum fasciculatum* within the enhancement areas. When installed by a contractor near another site, at Los Angeles World Airport, the *Eriogonum fasciculatum* attracted a rival butterfly and the population of the endangered El Segundo Blue butterfly declined (Rudy Mattoni, personal communication.) *Eriogonum fasciculatum* is unsuitable habitat for the El Segundo blue butterfly. Adverse impacts to the El Segundo blue butterfly are inconsistent with the Natural Element and the Urban Environmental Element policies of the certified LCP. The site is located between several segments of the city's NCCP area, which is aimed at supporting coastal sage scrub communities including two endangered birds, the Coastal California gnatcatcher and the cactus wren. In order to facilitate links between potential and existing habitat areas which exist to the northeast, east, northwest and southwest of the project, the City required that the bluff, a portion of the bluff top and the a strip of land adjacent to Palos Verdes Drive South be planted with coastal sage scrub to allow a wildlife connection between habitat areas.

The Commission finds that the objective of the plans for the enhancement and restoration areas should be to enhance habitat for the endangered butterflies. Other landscaping on the site should (1) protect the enhancement areas (2) provide additional food and cover for native animals of concern including the gnatcatcher and the cactus wren. The objectives of this planting in enhancement areas should be, within the constraints of fire protection to provide food and cover for the endangered species and other CSS species found on the site and nearby. Most importantly the landscaping elsewhere on the site should not have impacts on habitat areas.

Outside the designated habitat restoration and enhancement zones, the applicant is proposing turf landscaping (Double Dwarf Tall Fescue) and invasive ornamentals (Eucalyptus, Nerium Oleander, Olea Europia, Phoenix, Schinus Molle and Schinus Terebinthifolius) throughout the hotel area and adjacent to native enhancement areas. Invasive species are inconsistent with the LCP requirement to fully offset impacts and to preserve sensitive habitat because they invade natural areas and displace the plants that are there. Once there, they do not support the animals that were previously found there, particularly insects. Staff in researching restoration and landscaping special conditions interviewed Dr. Barry Prigge, a California Native plant specialist. He indicated to staff that in his opinion, a very significant problem for the persistence of native plant communities in southern California habitat areas is the use of invasive non-native plants in nearby developed areas. This is because invasive plants can and do invade disturbed areas and habitat areas and supplant native plants. The non-native plants often do not provide the

necessary food for native butterflies and other insects. For this reason Dr. Prigge advised against allowing use of invasive plants near habitat restoration areas. There are restoration areas on this site. There are also the proposed NCCP identified restoration areas near the site. One of them is located directly across Palos Verdes Drive South on Point Vicente, north of the site. Plants from this site, if invasive, could result in expensive maintenance problems for managers of these areas on and off the site.

Another plant proposed by the applicant, Eucalyptus is a potential problem. Eucalyptus is a problem because the trees secrete oil that is toxic to native plants and insects.

Another issue is the use of pesticides that could impact the El Segundo Blue and other locally occurring insects. For this reason, while the applicant proposes an Integrated Pest Management Plan for the golf course and the ornamental landscaping, the Commission requires that the applicant not only avoid pesticides that could impact the marine environment but also insecticides, because of their potential impact on this endangered insect. Creating adverse impacts to the endangered butterfly and other native habitats is inconsistent with the certified LCP policy to provide mitigation measures to “fully offset the impact” of development.

As conditioned, both the habitat restoration and enhancement and the landscaping plans are required to be compatible with the bluff habitat on the site and with survival of nearby habitat areas. The Commission is imposing a special condition requiring the applicant to provide a complete habitat restoration and enhancement plan. The plan should include an 80-foot wide enhancement area containing coastal bluff scrub plants including *Eriogonum parvifolium* (dune buckwheat) in a mixed size (age) distribution, which is required for El Segundo blue butterflies and their larval stages. *Eriogonum fasciculatum* is prohibited within the 30-foot wide “enhancement” or “buffer” area (as referred to by the applicant), the 50-foot wide “enhancement” area and areas adjacent to the eastern bluffs. The applicant proposes to use low growing local native plants, not fully mature coastal sage scrub in the enhancement area between the 30-foot wide “buffer” area and the hotel for fire protection purposes. However to fully offset the damage on the site, especially from grading on the bluff face, the area should be able to support native animals and the El Segundo blue butterflies. Only as conditioned is the proposed project consistent with the Natural Element Section of the certified LCP.

The applicant does not propose any restoration for the eastern bluffs but does propose to use native vegetation adjacent to the bluff face. The Commission requires in Special Condition No. 7 that this intention be carried out with coastal bluff scrub and coastal sage scrub plants. The Commission requires in Special Condition No. 7 and 8 that no invasive plant be used in this area, although other introduced low and very low water use plants may be used. The reasons for requiring low water use plants only are described in the section on geologic stability below.

The certified LCP identifies coastal bluff scrub as Environmentally Sensitive Habitat Area (ESHA) and requires the protection of the cliff faces where it is found. Coastal bluff scrub is located on both western and eastern bluffs. The LCP requires habitat to be surveyed and requires any impacts on habitat, such as removal of remnant CSS from the bluff top and grading for the ADA Compliant coastal access trail to be fully offset. The Commission is imposing special conditions that require the applicant to provide a complete, detailed habitat restoration and enhancement plan for both the western and eastern bluffs prior to issuance of a coastal development permit. Special Condition No. 7 requires that the restoration plan conform to certain requirements that include 1) native plant vegetation within the Bluff face/Habitat Reserve shall not be disturbed and aggressive invasive species shall be removed; 2) plant species native to Rancho Palos Verdes and suitable to the El Segundo blue butterfly, (i.e. no *Eriogonum fasciculatum*) shall be used in the habitat preserve, enhancement and transition areas and areas adjacent to the eastern bluffs; 3) protection and mitigation for the existing riparian habitat areas; 4) eastern bluff restoration, 5) very low and low water use, non-invasive plants throughout the entire site (this is also required in Special Condition 8); and 6) manual removal of all drainage devices that are on the bluff and/or bluff face other than the three (3) proposed drainage lines and outlets, and vegetation of these areas in accordance with the appropriate vegetation program for the location. The plan shall include specifics such as plant species, planting schedule, timing and coverage, maintenance and a monitor provision to address the progress of the restoration over time. By requiring non-invasive plants on the project site, habitat areas have a much better chance of surviving and flourishing, which will enable the El Segundo blue butterfly to remain on the site.

As mentioned above, the Commission is requiring in Special Condition 8 that low-water use plants be used throughout the site in place of the proposed ornamentals and turf zones. In general, turf is not low water use as determined by the University of California Extension Service.<sup>2</sup> Some grasses, including Bermuda grasses and fescues are invasive. The applicant proposes “Double Dwarf Tall Fescues” but does not stipulate the species. Other related turf plants (fescues) are not considered low water use plants in the southern California area (tall fescue is included in the Ocean Trails invasive plant list) and would not be appropriate for this site. Low water, non-invasive plants are appropriate for projects located on bluffs and in areas where there are concerns with landslides or failure triggered by excess water use. The condition encourages the use of native plants from the local area. The reason the Commission encourages local native species (of the coastal sage scrub and coastal bluff scrub community) in this situation is that they can survive, after establishment, without regular watering.

There are several drainpipes on the western portion of the site that are remnants of previous development. These drains will not be used in the final proposed development and the drainpipes will be abandoned. The Commission requires that these pipes be removed

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<sup>2</sup> “*Guide to Estimating Irrigation Water Needs of Landscape Plantings in California*”, University of California Cooperative Extension and the California Department of Water Resources.

from the bluff face and that the disturbed area be revegetated. There should be no heavy equipment within the coastal setback zone, thus these drainpipes should be removed manually.

The Commission recognizes that the previous Marineland Park has disturbed the eastern bluffs. However, coastal bluff scrub exists on the bluff and is ESHA and should be preserved and restored. The project EIR Biological Resources report identifies coastal scrub containing *Eriogonum cinereum* within the area of the proposed lower pool facility and ADA Compliant Trail. The Commission requires that the lower pool on the bluff face be eliminated to reduce adverse impacts to bluff habitat, among other reasons. The Commission is allowing the ADA Compliant Trail for purposes of increasing public access to the shoreline. However, the Commission is requiring that the applicant restore the areas disturbed by grading for the ADA Compliant Trail be provided. Restoration efforts shall conform to the conditions of this permit and only as conditioned is the project consistent with Policy No. 8 (Natural Element Section) of the certified LCP.

The applicant notes that the property contains a small area of jurisdictional wetlands. There are two areas that have been identified as mule fat scrub on the project site. One 9-foot-by-15-foot area is located adjacent to a small v-ditch in the northwestern corner of the site. According to the Long Point Resort-Jurisdictional Delineation Report, dated May 30, 2001 and revised January 14, 2003, this area of mule fat scrub does not receive water from the ditch, thus is not a wetland. However, the Natural and Corridor Element sections of the LCP allow for habitat areas to be protected or if removed, damage to them to be fully offset. Therefore, the Commission is requiring the applicant to provide mitigation for the loss of habitat by providing riparian habitat in the proposed wet pond areas. A second area (approximately 0.03 acre) of riparian habitat is located on the southeastern portion of the site where there is an existing drainage course (Exhibit 16). The applicant does not propose any changes to this existing drainage channel.<sup>3</sup> The applicant does propose in a letter dated December 24, 2002 and reiterated in a letter dated March 25, 2003 that invasive vegetation in the southeast portion of the site, near an arroyo willow, will be removed. The arroyo willow is located within the designated mule fat scrub. The applicant proposes to plant additional willows in the habitat area. Special Condition No. 7 requires that the applicant preserve this mule fat area and only plant willows of the same species that exists at the site. The condition also requires the applicant to provide a 10-foot wide buffer area surrounding the habitat where no development shall be permitted.

An existing Blueline stream exists adjacent to the entry drive and is described as Drainage "A" in a "Jurisdictional Delineation for Long Point" report provided by the applicant.<sup>4</sup> The applicant proposes to redirect this drainage to a CDS unit, bioswale, and wet pond before

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<sup>3</sup> Long Point Destination Resort SUSMP Site Plan, dated May 15, 2003.

<sup>4</sup> Jurisdictional Delineation for Long Point, City of Rancho Palos Verdes, Los Angeles County, California, Glenn Lukos Associates, May 30, 2001 (Revised January 14, 2003).

discharging at Outfall “B”. The certified LCP does not show the stream on any map and it has been determined in the report that the stream does not support habitat. Vegetation associated with the drainage consists of predominantly non-native upland species. The Commission is requiring that the applicant provide U.S. Army Corps of Engineers approval for filling the drainage prior to issuance of the permit. As conditioned, the permit is consistent with the Natural and Corridors element sections of the LCP.

### ***Marine Impacts***

Natural Element Section Policy No. 10 states:

*Protect, enhance and encourage restoration of marine resources of the City through marine management and cooperation with other public agencies and private organizations.*

Natural Element Section Policy No. 15 states:

*Provide mitigating measures where possible to control surface runoff that might be degrading to the natural environment.*

Natural Element Section Policy No. 20 states:

*Encourage restoration efforts dealing with enhancing the marine environment from a biological standpoint.*

The proposed project consists of three main drainage systems on the site. The drainage outfalls are proposed to be located at the toe of the bluff and empty into the rocky intertidal areas. The existing drainage channel (which supports some riparian habitat), located in the southeastern portion of the site, receives off-site surface runoff from adjacent properties. The existing drainage and outlet (60 inches in diameter) will remain unchanged thus not creating an increase in impacts. A second drainage outfall (Outfall “B”) is proposed at approximately 300 feet up coast from the existing drainage channel. For reasons explained below in the Hydrology section, the Commission is requiring the applicant to relocate the outfall further up coast. Outfall “B” is the largest of the three outfalls. It is proposed at the rocky beach area near the existing public access point (southeastern area). According to Paul Cary, Civil Engineer and preparer of the SUSMP plan for Long Point, the estimated size for Outfall “B” is 72 inches in diameter. Outfall “C” is located to the west over the southern most tip of the Long Point peninsula. The proposed size of “C” is unclear as of May 9, 2003. The applicant’s engineers provided the size information verbally and 36 inches was quoted at one time and 48 inches at another time. The final plans shall clarify the actual size proposed. There is an existing 24” drainage that is located approximately 550 feet up coast from Outfall “C” and that will be removed. The applicant contends that

the drainage improvements will not adversely impact habitat and will even correct an accelerated erosion problem on the bluffs.

In response to a request for additional information from Dr. Dixon, the Commission's staff biologist, the applicant provided a Marine Resources report, prepared by Coastal Resources Management (CRM), on the intertidal area below the bluffs on the eastern half of the project site.<sup>5</sup> Staff has reviewed this report along with applicable sections of the Final EIR and concurs that there are no tide pools in this area. However, Dr. Dixon points out that,

*"...there are boulders of various sizes with a variety of typical intertidal organisms, including sea urchins and seastars in the lower intertidal. The most likely effect of the discharges is to subject lower intertidal organisms to a pulse of freshwater when storm discharges coincide with low tides. CRM suggests that motile animals, such as echinoderms, would simply move away. This is not necessarily true. If the change in salinity was gradual, that might happen. But with sudden pulses, the animals can't move away and localized mass mortality of sea urchins has been observed near Santa Barbara where a coastal arroyo discharges onto the beach. Potentially, a similar phenomenon could take place with these artificial discharge structures. However, it would probably be an infrequent, localized event."(John Dixon, April 22, 2003)*

The existing drainage system is not adequate for the proposed development; it is undersized for the expected volume of water, cracked and in disrepair. The proposed drainage system will replace major portions of the drainage system and eliminate the uncontrolled discharge on surface runoff to the western bluff and shoreline area. Three ocean discharge points are proposed for the new development and two of these will be located in the vicinity of existing drainage outlets. Only drainage outfall "B" will be in an area that does not have an existing outlet in close proximity.

All low flow is proposed and required by the Commission to be pumped back to a proposed wet pond for treatment. In addition, Special Conditions 8 and 9 require less water to be used on the site; requiring the applicant to remove non-golf related turf and to substitute plants that are low water use in this climate zone throughout the site. Low water use plants require irrigation only while they are being established, according to University of California Cooperative Extension and the California Department of Water Resources in their joint publication: *"Guide to Estimating Irrigation Water Needs of Landscape Plantings in California"*. This change in landscaping is expected to reduce the amount of water needed to irrigate and the amount of runoff.

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<sup>5</sup> Long Point Marine Resources Report, Coastal Resources Management, March 24, 2003.

The rocky beach area is valuable habitat. The Commission has considered alternatives to direct discharge onto the rocky beach, such as requiring tunneling under the beach for discharge to the nearshore waters, but has concluded that the alternative most protective of resources would be to (1) require filtering of low flow; (2) require filtration of the runoff; (3) reduce the amount of runoff from the site; and (4) require integrated pest management. The Commission notes that the existing storm drains presently carry flows from upland residential areas across the site and discharge on to this beach. The applicant is consolidating discharge points. Dr. Dixon, senior biologist, reviewed the biological reports and visited the site. He noted that while there are no tide pools, the rocky intertidal area supports many typical intertidal animals. He noted that potential impacts of freshwater to the intertidal would tend to have the greatest effect on lower intertidal organisms and would tend to occur during large storm events. He concluded that, whereas osmotic stress may cause occasional mortality of sea urchins in the low intertidal, this impact will not be so severe or frequent as to be considered ecologically significant. The Commission requires that the applicant conform to the conditions to reduce the amount and toxicity of the flows off the site. Only as conditioned is the habitat protected and the project consistent with the Natural and Corridors Element sections of the certified LCP.

#### **E. Hazards/Coastal Setback Line**

The proposed project is located on a generally stable bluff top that is located seaward (or to the south) of Palos Verdes Drive South and approximately five miles west of the Ocean Trails Golf Course and elevated about 100 feet above the ocean. The land juts out into the Pacific Ocean creating a point-like feature ending in steep bluffs and rocky beaches. The point is supported by relatively resistant rocks consisting of volcanic and intrusive basalts and shales of the Altamira Formation that have been hardened by metamorphism associated with the intrusion of the basalts. The westerly bluffs are almost vertical and 105 feet high. The eastern bluffs on the site are less steep and less high, partly due to grading during the 1950's to construct the former Marineland Park. According to the 2001 Final EIR, the primary geologic concerns within the project area are those associated with landslides, sea cliff erosion, and strong ground motion from earthquakes.<sup>6</sup>

In response to the near-vertical cliffs and the history of landslides throughout the City's coastal zone, the City's LCP includes a generalized delineation of hazard zones within the City. Each zone includes limitations on use, requirements for studies, and limitations on the location of development reflecting the degree to which it is anticipated that the land can be safely developed.

The zones are:

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<sup>6</sup> Long Point Resort Environmental Impact Report, July 9, 2001.



| <b>ZONE</b> | <b>ZONE DESCRIPTION</b>  | <b>RESTRICTIONS/POLICY</b>  |
|-------------|--------------------------|---|
| CRM-1       | Extreme slope            | 1) Allow only low intensity activities within coastal resource management districts of extreme slopes CRM 1   |
| CRM-2       | High slope               | 2) Require any development within the coastal resource management districts of high slopes and insufficient information to perform at least one and preferably two independent engineering studies concerning the geotechnical soils and other stability factors affecting the site |
| CRM-3       | Hazard                   | 3) Allow no new permanent structures within coastal resource management district of extreme hazard and be cautious of allowing human passage (3a). The same structural limitation applies to areas of high hazard (CRM3b) but human passage may be more readily allowed.            |
| CRM-4       | Marginally stable        | 4) Allow nonresidential structure not requiring significant excavation or grading within CRM 4 and 5.   |
| CRM-5       | Insufficient information | 5) Allow nonresidential structure not requiring significant excavation or grading within CRM 4 and 5.   |

See LCP Figure 11 (Exhibit 17) for LCP maps of Areas of Consideration for Public Health and Safety (The project site is designated CRM 3a and 4). This classification includes those critical areas of concern in which the natural physical environment poses a significant hazard to the well being of the public.<sup>7</sup> When the Public Health and Safety classification is combined with the areas requiring preservation of natural resources, showing the manner of their relationship with each other, a new classification is established in the LCP that is referred to as the Natural Environment Element. See LCP Figure 13 for the applicable areas of this site (Exhibit 18). The bluffs and southeastern portion of the project site are designated CRM 1 in addition to the CRM 3a and 4 classifications.

In addition to the Coastal Resource Management zones, the City established geologic hazard zones. According to the LCP, a practical method of assessing the geologic constraint in the coastal zone is by a classification system based on the suitability for existing and anticipated land uses. These zones are similar to but not identical to the above categories. They include:

| <b>CATEGORY</b> | <b>Development Standard</b>             |
|-----------------|---|
| Category 1      | Areas unsuited to permanent structures. |
| 1a              | Unsafe for human passage.               |
| 1b              | In general safe for human passage.      |
| Category 2      | Areas suitable for non-residential      |

<sup>7</sup> City of Rancho Palos Verdes certified Local Coastal Program, Effectively certified April 27, 1983.

|            |   |
|------------|---|
|            | structures not requiring significant amount of grading.   |
| Category 3 | Areas in which existing geologic information is not sufficiently detailed to establish suitability for construction purposes        |
| Category 4 | Areas suitable for permanent tract type residential structures and supporting facilities in light of existing geologic information. |

See LCP Figures 5 and 7 of Geology and Landslide Areas (Exhibits 19 and 20). The project site is designated a Category 1a and 2. The certified LCP establishes bluff top setbacks to protect views, habitat, and to address geologic stability. The coastal setback was identified as an area on the seaward edge of the bluff top and the entire bluff face, which was to remain undeveloped due to geologic instability (and also to protect habitat and views). The coastal setback line differentiates the area determined to be suitable for more intense development and the areas to be left generally undisturbed, the certified LCP Geology map designates the bluff edges and bluff faces on this site as Category 2 - areas suitable for light, non-residential structures not requiring significant excavation or grading. The LCP coastal setback line delineating the more restricted area was adopted at the time the Coastal Specific Plan was prepared. The Natural Element Section of the LCP (N-22) states in part:

*“On the basis of the available geologic information, a realistic Coastal Setback Zone would include all lands in Categories 1a, 1b, 2 and 3.”*

The Rancho Palos Verdes Municipal Code 17.72.040 certified to carry out the policies of the LUP only allows public passive recreational improvements, i.e. trails, signage or protective fencing within the coastal setback zone, provided, that a conditional use permit is granted. The Code continues with specific restrictions that prohibit other new uses and developments including but not limited to pools and spas. Finally, the LCP designates the bluff faces as extreme and high slopes with marginal stability overall. The designated districts require that use and development be restricted. Nonstructural uses such as passive parks and trails are considered appropriate.

The Corridors Element Section of the LCP states in part:

*Protection/Preservation Corridors are “avoidance” corridors or areas based upon the requirement that human activities/presence be excluded or stringently controlled due to the need to preserve valuable/sensitive natural habitats and/or to avoid geologic or other land related conditions involving hazard or danger, such as the sea cliff edge.*

The applicant has provided geotechnical and soils reports and responses to staff questions regarding slope stability.<sup>8</sup> According to the reports, everything landward of the Coastal Setback Line has a factor of safety of 1.5 or greater, which is discussed in more detail below.

As described previously, the City's LCP includes a generalized delineation of hazard zones within the City. Each zone includes limitations on use, requirements for studies, and limitations on the location of development reflecting the degree to which it is anticipated that the land can be safely developed. As indicated in Figure 11 of the LCP, the project site is designated CRM 3a (hazard) and 4 (marginally stable). This classification includes those critical areas of concern in which the natural physical environment poses a significant hazard to the well being of the public.<sup>9</sup> The LCP states in part, for lands classified as marginally stable:

*Preferred land use would include recreational facilities such as picnic areas, hiking trails, and equestrian trails. Use of the landslide areas for golf courses is a debatable issue, as significant amounts of irrigation water could reduce the stability of these areas.*

The Coastal Setback Line delineates the bluff face, the area designated high hazard CRM 3a in the certified LCP from areas that are designated marginally stable CRM4 (possible to develop if stability is demonstrated) in this case the bluff top.

The proposed project includes some development seaward of the Coastal Setback Line within the CRM3a area. The applicant proposes several golf holes, a pool for hotel guests, (Lower Pool), public restrooms, and a public snack bar seaward of the Coastal Setback Line, on a graded bench on the eastern bluff face. According to Rancho Palos Verdes Planning Commission Staff Report dated August 13, 2002 (Variance No. 489), preparation of the site for the Lower Pool area will include movement of 384 cubic yards of earth (91 cubic yards of cut for pool excavation and 291 cubic yards of fill). The depth of cut is five feet in height. Based on an analysis of this report and site observations, Staff geologist Dr. Mark Johnsson concurs with the reports that the overall stability of the bench in question is adequate for this development.

Dr. Johnsson concurs that the overall geologic stability of the Lower Pool area is adequate for the development. However, the Commission finds that the proposed hotel pool facility and golf putting greens that are located seaward of the coastal setback line are not

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<sup>8</sup> Destination Development Corporation – *Geotechnical Consultation*, Law/Crandall Project 70131-2-0076.0002; Geotechnical response to information request from the California Coastal Commission, Matec (formerly Law/Crandall), March 28, 2003.

<sup>9</sup> City of Rancho Palos Verdes certified Local Coastal Program, Effectively certified April 27, 1983.

appropriate uses on a bluff face and within a coastal setback zone that was established by the certified LCP based in part on geologic concerns. The pool results in unnecessary grading on the bluff face. The Commission is requiring that the Lower Pool and putting greens within the coastal setback zone be eliminated from the project design and only as conditioned is the project consistent with the Natural Element section of the certified LCP.

Although requiring the removal of the hotel's Lower Pool facility, the Commission is allowing the applicant to construct a public restroom on the existing pad in the location of the proposed lower pool. A restroom would require much less grading, if any, and would complement the Long Point and ADA public trails.

The applicant also proposes grading for a hotel patio extension seaward of the coastal setback line. The grading would enable the patio to extend to the edge of the coastal bluff. While the applicant argues that the extension is safe, it results in putting a permanent structure where it would be jeopardized by minor sloughing. The only way to repair any sloughing would be to alter the bluff. For this reason, and because it is inconsistent with the LCP, the Commission finds that the patio should be moved back behind the CSL.

The applicant proposes to leave an existing structure, the Lookout Bar that is bisected by the coastal setback line in place, and rehabilitate it. The City found that it could allow this because the bar is a local landmark. Other development proposed seaward of the coastal setback includes a portion of the Long Point Bluff-Top Trail that is parallel to the western bluff edge, and a public ADA compliant trail that extends down the eastern bluff face from the public parking area to the beach area in the southeastern corner of the site. The certified LCP allows a trail if grading is minimal. In approving the ADA Compliant Trail, the City found that the increased accessibility granted by an ADA compliant trail outbalanced its apparent inconsistency with the grading policy of the natural corridors element. However while trails are appropriate uses for marginally stable areas and consistent with the certified LCP, the Commission finds grading of the trail to reduce its gradient to become ADA compliant is only consistent with the access policies if in fact it is consistent with the federal and state rules concerning accessibility and if in fact provides increased beach access to the public.

The applicant also proposes development such as drainpipes and outlets on the bluff face that have no other possible location. However, one drainage facility, a storm drain filter that is proposed on the western bluff face is a 15-foot wide and a 40-foot long filter, which can feasibly be located inland. Since there is an alternative location, the Commission finds that it should be relocated to be consistent with the certified LCP policy requiring on development to be located landward of the Coastal Setback Line.

The applicant's geologist has indicated that the entire site landward of the coastal setback line has a 1.5 or greater factor of safety. The applicant's geologist has recommended, however that the applicant (1) line the pond areas proposed to prevent percolation of water

into the sediments of the site and (2) avoid infiltration of stormwater, similarly to avoid saturation of the site sediments.

After reviewing the reports, Staff Geologist Mark Johnsson noted that the analysis includes some assumptions that result in a less than conservative conclusion. One assumption made is that the groundwater will not rise as a result of development. A geologic supplemental report, dated March 28, 2003 (MATEC Engineering and Consulting, Inc.) was prepared in response to questions by Commission staff. The report states in part:

*Because this site is adjacent to the sea, any temporary localized buildup of groundwater above sea level will probably be quickly dissipated by lateral flow through fractures and ultimately through the base of the cliff.*

*The proposed development includes an extensive site drainage system that will improve runoff characteristics over the existing condition. Given the planned drainage improvements (over current low maintenance condition), including interception and disposal of upstream runoff, we do not anticipate significant changes in the groundwater levels over the current condition.*

The groundwater table was not included in the stability analysis, which is routinely required by Commission staff when analyzing projects that involve geologic issues.

*Based on the above, the likelihood of developing a perched groundwater level is considered remote and because we anticipate that the groundwater level will remain at or near currently existing levels (about sea level), we did not model a groundwater table in our stability analyses because it did not affect the analysis (critical zones are above the groundwater level).*

The applicant is proposing native vegetation near the bluffs, but introduces subtropical ornamentals and turf areas throughout the site. The Commission staff geologist notes that stability calculations for the site have been based on an assumption that no additional moisture will saturate the sediments of the site. Accordingly, the level of stability demonstrated by the applicant's analyses can only be assured if infiltration of ground water is maintained at pre-development levels.

To address this problem, the applicant, while proposing to install both turf and subtropical plants throughout the site, proposes automatic electronic irrigation systems that will limit the amount of irrigation used. The Commission finds that due to the potential damage to on- and offshore habitat and due to the severe consequences to future owners of failure, that a more prudent course would be to reduce the amount of water introduced from irrigation by limiting landscape materials outside the golf areas to plants that do not require irrigation after establishment, primarily native plants.

***Revetment***

There is a public access trail that leads from the bluff top to the beach on the southeastern corner of the site. The City ordered the landowner to keep this trail open after the closing of Marineland. The trail is a paved, former maintenance road that extends down the eastern bluff to the southeastern corner of the site reaching the rocky beach (Shoreline Access Ramp 1). There is a revetment/rock slope that lies along the seaward cut/fill slope of the road descending to the public sandy beach. Commission staff requested that the applicant consult with the City of Rancho Palos Verdes and evaluate the feasibility of removing this revetment. The City contends that the rock slope protects the access road from direct wave action and related erosion. The City explains that the public including hikers, divers and swimmers, frequent the road. The City wants the area to remain readily accessible to emergency vehicles for routine patrols and rescue purposes. The Commission concurs with the City that the access road is important for public health and safety and that the revetment protects the road from erosion and should remain. However, the Commission imposes a special condition that prohibits any expansion of the footprint of the shoreline protective device. The Commission is also imposing a special condition prohibiting the construction of new protective devices because they increase beach erosion and negatively affect views and habitat, which is inconsistent with the Natural and Corridor Element Sections of the certified LCP. As conditioned, the project is consistent with the certified LCP.

While the Commission concurs that the development as proposed is consistent with the geological stability provisions of the certified LCP, this conclusion is based on recommendations concerning foundations and drainage provided by the applicant's geological consultant. The Commission requires the applicant to conform to geotechnical recommendations made by the applicant's licensed engineering firm that do not conflict with this permit.

The Corridors Element of the certified LCP allows limited development in areas of high geologic, flood, and fire hazard so long as risks to life and property are minimized and the other policies of the certified LCP are met. When development in areas of identified hazards is proposed, the Commission considers the hazard associated with the project site and the potential cost to the public, as well as the individual's right to use his property.

The geological and geotechnical engineering investigation reports state that the subject property is well suited for the proposed development. However, the proposed project, even as conditioned, may still be subject to natural hazards such as slope failure and erosion. The geological and geotechnical evaluations do not guarantee that future erosion, landslide activity, or land movement will not affect the stability of the proposed project. Because of the inherent risks to development situated on a coastal bluff, the Commission cannot absolutely acknowledge that the design of the project will protect the subject property during future storms, erosion, and/or landslides. Therefore, the Commission finds that the proposed project is subject to risk from natural hazards and that the applicants shall assume the liability of such risk.

The applicants may decide that the economic benefits of development outweigh the risk of harm, which may occur from the identified hazards. However, neither the Commission nor any other public agency that permits development should be held liable for the applicants' decision to develop. Therefore, the applicants are required to expressly waive any potential claim of liability against the Commission for any damage or economic harm suffered as a result of the decision to develop. The assumption of risk, when recorded against the property as a deed restriction, will show that the applicants are aware of and appreciate the nature of the hazards which may exist on the site and which may adversely affect the stability or safety of the proposed development.

#### **F. Hydrology/Drainage/Outfalls**

As described in the Habitat section of this report, the proposed project consists of three main drainage systems on the site. Drainage outfalls are proposed to be located at the toe of the bluff and empty into the rocky intertidal areas. The existing drainage channel (which supports some riparian habitat) is located in the southeastern portion of the site and receives off-site surface runoff from adjacent properties. The existing drainage and outlet will remain unchanged thus not creating an increase in impacts. The Commission is imposing a special condition requiring the applicant to comply with the project as proposed including the plans for drainage and to conform to recommendations made in the drainage and hydrology reports for the project that do not conflict with the conditions of this permit.

A second drainage outfall (Outfall "B") is located approximately 300 feet up coast from southeast corner existing drainage channel. Outfall "B" is the largest of the three outfalls. It is located at the rocky beach area near the existing public access point (southeastern area). Drainage "B" receives the majority of runoff from the eastern half of the site including the proposed Wet Ponds 1 and 2, eastern parking areas, off-site flows, and eastern casitas. The proposed plan includes "Stormfilter Unit 2" at the 100-foot contour line adjacent to the ADA Public Access Trail and eastern casitas. The drainage line will run seaward, across the ADA Compliant Trail to a "Stormfilter Unit 3" located at the 50-foot contour line adjacent to the proposed lower pool facility. The storm filters receive collected runoff from landscape inlets at the casitas, proposed lower pool and putting greens that are all east of the hotel.

According to the applicant's engineer, the method of installing the pipeline is excavation and cover from the 50' contour Stormfilter Unit 3 to the outfall on the beach. This method was proposed by the applicant's engineer assuming that the area would already be disturbed by construction of the lower pool and a route could be developed that would be a short distance, a gradual slope and conducive to a trench and cover construction technique. The trench for this line would be approximately 50' wide and 16' deep to accommodate a 72" drainline and at least 6' of cover. The drainage line route could be excavated without any

need for construction equipment on the beach to install the outfall. The disturbed area could be reduced from a width of 50' to about 10 or 12' by shoreline side walls rather than opening the trenches with 2:1 side slopes. Even with these modifications the disturbance would be significant. Pursuant to Special Condition No. 1, the lower pool will be eliminated from the proposed project and the bluff will only be disturbed further for trails, viewing areas, and a public restroom. Drilling Drainline "B" would require construction equipment on the beach for the line installation as well as for the installation of the outfall. However, a drilled drainline would eliminate a significant source of avoidance disturbance seaward of the public trail. In addition, due to site topography, the Outfall "B" for a drilled drainage line would be better sited further to the west than the proposed location for Outfall "B". This would put the Outfall "B" further from the end of the public trail and the area of beach and shoreline that will be most used for recreation. Commission staff has reviewed the hydrology reports provided by the applicant and after discussions with the project engineer had determined that the lower portion of drainage line "B" (at a minimum, all portions of the line seaward of the public access trail) can be drilled and the Outfall "B" can be relocated further west to facilitate an efficient drilling route, consistent with Special Condition No. 1.

Outfall "C" is located to the west over the southern most tip of the Long Point peninsula. An existing 24" drainage, approximately 550 feet upcoast of proposed Outfall "C" will be removed. Drainage line "C" will collect runoff from much of the western portion of the site (the casitas and the hotel), some offsite flow and parking runoff. Several small bluff-top drains on the western portion of the site will be eliminated and the drainage will be consolidated into Drainage "C". The applicant contends that the drainage improvements will correct an accelerated erosion problem on the bluffs. The pipeline will be installed by method of trench and cover. Special Condition No. 1 requires that on the seaward side of the access trail, the sidewalls for the trench be shored to minimize surface disturbance. Drilling was considered for this line, but the trench and cover technique was determined to be preferable for several reasons. Drilling in this area would be possible, but very difficult. The line must make a sharp turn to the coast fairly close to the outfall, and this orientation is difficult for drilled lines. This portion of the bluff also is thought to contain many large boulders that would make drilling difficult. The area for the line has already been disturbed and there will be further disturbance to remove the existing drainage line and construct the various improvements proposed for this area. Due to the difficulties of drilling this line and the level of disturbance that will occur in the vicinity of this drainline, and the condition requiring the use of shoring for trench stability and to reduce the width of the cut, Commission staff agrees with the determination the trench and cover will be an acceptable installation technique for Drainline "C".

Line "C" will extend from the most northwestern corner of the site, run parallel to the western bluff edge but inland of the CSL and bluff top trail. "Stormfilter Unit 1" appears to be located on the bluff face, at the southern tip of the site. Just inland of the storm filter, landward of the CSL, there is a landscape inlet proposed. As discussed previously, the Commission and the certified LCP require that bluff habitat be protected and mitigation provided to fully offset unavoidable adverse impacts. The sizes of the storm filters are quite



significant. According to an engineer for the project, the filters are 15-foot wide by 40-foot long by 10-foot deep. Placing a structure of this size onto a bluff face when plausible alternatives are available, such as relocating it inland, is not consistent with the Natural Element habitat and hazard policies of the certified LCP. The Commission is imposing a special condition requiring that “Stormfilter Unit 1” be removed from the bluff face and relocated landward of the CSL. The applicant agrees to move the stormfilter landward of the CSL.

Finally, according to project engineer older drainage pipes that drain inland areas exist along the western bluff. The applicant proposes to abandon these pipes and disconnect them from their existing inland connectors. The applicant has not provided any information on the long-term disposition of these drains. The Commission is requiring and the applicant agrees to remove these abandoned pipes and restore the areas with fill and landscape consistent with Special Condition No. 1 and 7. Only as conditioned is the project consistent with the certified LCP.

#### **G. Water Quality**

The Natural Element section of LCP states:

It is the policy of the City to:

*13- Encourage and support programs, policies and actions of other agencies designed to maintain, manage, and restore the ocean water quality.*

*15-Provide mitigating measures where possible to control surface runoff that might be degrading to the natural environment.*

Corridor element guidelines section states in part:

*Natural corridors should be protected from increased erosion potential due to increased impermeable surface in adjacent developed areas through development/maintenance of soil-retaining plant materials, selective placement of natural rock, and other drainage channel liners, etc.*

Documents were submitted in response to a letter from staff that requested additional information on water quality issues. The applicant provided Standard Urban Storm Water Mitigation Program (SUSMP), prepared by The Keith Companies, dated March 14, 2003, and Integrated Pest Management Plan, prepared by James Connolly Consulting, Ltd., dated March 28, 2003.

The applicant's water quality management plan (SUSMP) proposes implementing many BMPs that, with certain modifications and enhancements discussed below, should effectively mitigate potential adverse impacts to water quality at the site, including:

- Various structural BMPs (inlet trash racks; oil/water separators [catch basin inserts]; infiltration trenches; wet ponds; vegetated swales; storm filter units; CDS unit; energy dissipaters)
- Integrated Pest Management (IPM) plan
- All low flow diversion will be pumped to wet pond
- Swimming pool, spa and fountain water discharged to sanitary sewer
- Landscape design; reduced area of impervious surfaces
- Material management
- Storm drain system stenciling and signage
- Trash container enclosure/litter control
- Street/parking lot sweeping
- Education/Training
- Activity restrictions (no oil changing, etc.)
- Restaurant BMPs
- Self contained washing areas
- BMP inspection, maintenance, and monitoring
- Water quality monitoring and reporting

After reviewing the proposed BMPs and water quality management plan, Commission concurs that measures being proposed address water quality issues raised by the project. However, to reduce possible impacts on marine resources, staff is recommending that the proposed measures be enhanced in a number of ways. To ensure that the applicant carries out the proposed plan, the Commission is requiring that the applicant conform to aspects of the proposed water quality management plan that do not conflict with the conditions of this permit.

The May 15, 2003 SUSMP Plan proposes a structural BMP at the parking lots comprised of inlets with catch basin insert filtration systems to remove pollutants from the first flush of runoff. After treatment at the parking lot catch basins, all flows resulting from the first 3/4 of an inch of rainfall over a 24-hour period will flow through a series of cartridges filled with a filter media ("StormFilter") for the removal of pollutants prior to discharge at the outfalls. The Commission finds the proposed BMPs will effectively filter contaminants associated with parking lot runoff, including, but not limited to, oil and grease.

As discussed previously in the Hazard and Habitat sections, a 72-inch and a 36 to 48-inch outfall will be located at the toe of the bluffs, emptying into rocky intertidal areas. Although the areas are already subject to some existing freshwater that discharges into the ocean, it is necessary to require strict conditions on erosion control during construction of the outfalls. Without erosion control, the marine habitats could be severely impacted by the amounts of runoff and siltation that would empty into the intertidal zone. The Commission is

requiring strict erosion control measures (Special Conditions 19 and 20) during construction and that construction only occur during the dry season. Only as conditioned is the project consistent with the Natural and Corridor Element sections of the certified LCP.

The applicants have submitted a comprehensive IPM Plan, which includes:

- Specifications and reasoning regarding the selection of turf grass species
- IPM that describes the process of selection, application, and handling of pesticides and fertilizers
- IPM criteria and guidelines for all areas of the golf course and landscaping, including irrigation, cultural programs, and maintenance
- Irrigation water quality testing
- The IPM Plan (p. 11) states that a professional golf course irrigation designer licensed in the State of California will design the irrigation system and that the system will: maximize control and efficiency of irrigation water; use weather data gathered from on-site weather stations to determine evapotranspiration rates; maximize efficiency via sprinkler spacing, nozzle type and design; and use an irrigation computer control program designed to match applied irrigation to evapotranspiration demand.

According to water quality staff, the IPM plan focuses primarily on the golf course. The IPM Plan (p.6) states that “Ornamental planting design is under separate cover. Chemical applications to ornamental plantings will be based on current recommendations of approved chemicals for the control of damaging pests, in accordance with special conditions described in this report.” It is unclear what the approved chemicals for the control of damaging pests will be. The report also states in part:

*The golf course manager’s primary concern will be preparing the turfgrass for the sport of golf and managing a living plant with responsible Eco-friendly practices. Pest management for golf courses includes both chemical and non-chemical practices.*

The IPM Plan (p. 17) states that pesticides will not be applied directly in non-turfgrass areas.” However, the applicant is proposing to use turf grass extensively on the site. According to proposed landscape plans, dated March 26, 2003, turfgrass is proposed to be around the hotel as well as for the golf holes and driving range. There is turfgrass proposed in close proximity to some of the areas that will be planted with native vegetation. In order to ensure protection of native habitat areas, the Commission imposes a special condition that clearly states that no insecticides shall be used on the site and that all other applicable aspects of the IPM plan (e.g., minimizing fertilizer and pesticide use) shall apply to all outdoor plantings at the site.

The applicant is proposing use of native vegetation in restoration and enhancement areas where no pesticides or fertilizers will be used. As discussed in the Habitat section of this report, the Commission is requiring locally native plants to be used in sensitive areas and buffer zones on the site and low-water use, non-invasive plants, including native plants be used throughout the remaining areas on the site. Commission water quality staff states in part:

*From a water quality standpoint, use of native, drought-resistant plants is preferable. The applicants have proposed native vegetation in "sensitive" areas and buffer zones where generally no pesticides or fertilizers will be used, and non-native plantings elsewhere. Assuming that non-native plants are approved in some areas, the applicant's proposed measures to prevent overwatering and to minimize the use of pesticides and fertilizers would enhance protection of water quality. (Jeff Melby, May 2003)*

The Commission is requiring low-water use plants for geologic stability reasons and to ensure that over watering is avoided, which will enhance protection of water quality. In addition, the Commission is imposing a condition that prohibits the use of poisons as a measure of eliminating pests on the site. Only as conditioned does the project adequately protect water quality.

## **H. Visual Impacts**

In addition to protection of resources, the Rancho Palos Verdes LCP protects view corridors. These corridor policies encourage clustering of development to allow views from public roads to the shoreline. They identify certain views from major roads and turnouts to the bluffs as public view corridors. The policies do not identify views along the bluffs as public view corridors. Instead the policies that discuss bluffs are found in the Natural Corridors section, which provide that bluffs should be as much as possible protected in their current state.

*Natural Corridors should, where desirable and feasible, be utilized as pedestrian access corridors providing access to the coastal bluff areas and should have appropriate design treatment to insure pedestrian safety as well as retention and enhancement of natural features.*

*Natural Corridors should be utilized as landscape and open space buffers separating and defining developed areas and where pedestrian access is present, linking to pedestrian access corridors within these developments.*

*Where Natural Corridors can be utilized to expand, or otherwise enhance, a protected corridor as open space within visual corridors, the opportunity should also*

*consider the possibility of providing controlled access corridors for viewing selected habitat areas for education or scientific purposes.*

There are major changes proposed to the western and eastern bluffs at this site and ordinarily development would be analyzed for its visual impacts. However, the LCP does not protect the visual integrity of bluffs and beaches, which are addressed in The Natural Corridor section of the certified LCP.

The Visual Corridor Section of the Corridors Element in the LCP states in part:

*The Visual Corridors which have been identified in the General Plan and are discussed here are those which are considered to have the greatest degree of visual value and interest to the greatest number of viewers; and are thus a function of Palos Verdes Drive as the primary visual corridor accessible to the greatest number of viewers, with views of irreplaceable natural character and recognized regional significance.*

The Corridors Element of the certified LCP states:

*It is the policy of the City to: Require development proposals within areas which might impact corridors to analyze the site conditions in order to mitigate impacts and obtain feasible implementation of all corridor guidelines.*

The certified LCP Corridors Element designates two major visual corridors in the subject area. 1) Vertical Zone 1 (height zone – less than 16 feet) with a visual corridor that provides a direct, full view of Point Fermin from the Point Vicente Fishing Access from the main road, Palos Verdes Drive South; 2) Vertical Zone 1 and Vertical Zone 2 (16 feet to 30 feet) with a visual corridor that provides direct, partial views of Catalina Island and the Pacific Ocean from the main road, Palos Verdes Drive South. See Exhibit 21 for the LCP designated view corridors.

Public views from Palos Verdes Drive South at the northern edge of the property are slightly impacted due to the proposed eastern casitas and the hotel. Condition No. 51 of the City's Coastal Permit No. 166 requires that any structures within the Vertical Zone 1 area may not exceed a 16-foot height limit as measured from the lowest adjacent finished grade to the top of the highest roof ridgeline (Exhibit 22b). Condition No. 53 of the City's Coastal Permit No. 166 requires that no structure including architectural features, exceed the elevation height of Palos Verdes Drive South, as measured from the closest street curb, adjacent to the Resort Hotel Area (Exhibit 22c). The applicant proposes and is required in Special Condition 24 to conform to the height limits as imposed by the City of Rancho Palos Verdes, which includes maximum 16-foot height for structures located within the LCP designated view corridors described above. Public views must be protected and preserved. The applicant provided a Site Grading Plan, dated March 17, 2003. The

Commission requires the applicant to conform to the submitted grading plan by using the proposed final grades to execute maximum height requirements.

The Natural Corridor section supports the network of trails required and proposed in this permit, and further analyzed in the Access section above. However, they also emphasize that the access is to natural features. The design of the project, even though it requires a great deal of grading will leave the western bluff face intact and will provide access to the natural features and will not be visible from the beach. The proposed project does include grading on the eastern bluff to accommodate a hotel pool, snack bar and restrooms for hotel guests and the public and a public ADA compliant trail to the shore. As explained previously, the Commission requires that the lower pool and snack bar be eliminated, leaving a possible restroom to be constructed on the existing pad. While not located in a designated view corridor, the Commission finds that allowing the construction of a proposed lower pool facility on the bluff face, a designated natural corridor is not consistent with the natural corridor section of the LCP. The Commission is allowing a public restroom on an existing pad and an ADA compliant trail to increase public access.

The Commission finds that as conditioned the project is consistent with the View Corridor and Natural Corridor section of the certified LCP.

#### **I. Intensity of Development**

Policy 2 of the Urban Environmental Element Section and Policy 7 of the Subregion 2 Section in the LCP states:

*Encourage actions deemed necessary or appropriate in the upgrading of Marineland so long as such action(s) is not detrimental or resulting in an adverse effect on surrounding areas.*

The Subregion 2 Section of the LCP discusses the history of the Marineland site and the potential future use of the site. Marineland was the largest commercial activity in the City during its operation. The park brought in over 900,000 visitors a year in the 1970's. Prior to the closure of the park, the goal was that improvements be made to Marineland and an increase in attendance to 1.2 million visitors a year, as it was in the 1960's.

Subregion 2 Section of the LCP states in part:

*Any future development on the site will require City approval in the form of a conditional use permit. Compatible uses could include those of a Commercial Recreational nature, visitor-oriented, such as additional oceanarium attractions, retail facilities, recreation uses, motel, convention facility, restaurants, museum, etc...*

According to the certified LCP, the goal of the City for this particular site is commercial recreational development that will draw in visitors from all over the state and country. The proposed project includes a hotel, golf academy that may be used by the public, and various other recreation amenities for public use. Based on the LCP, the proposed project is consistent with the intensity of development for this site and for the City of Rancho Palos Verdes. The Commission is imposing a special condition that requires the applicant to come back to the Commission for review of any change in use or change in development on the site. Only as conditioned is the project consistent with the Urban Environmental and Subregion 2 Element sections of the certified LCP.